

भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 16] नई दिल्ली, शनिवार, अप्रैल 19, 1969/चैत्र 29 1891
No. 16] NEW DELHI, SATURDAY, APRIL 19, 1969/CHAITRA 29, 1891

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह धलन संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

नोटिस NOTICE

नीचे लिखे भारत के असाधारण राजपत्र 1 अप्रैल, 1969 तक प्रकाशित किय गये :-

The undermentioned Gazettes of India Extraordinary were published up to the 1st April, 1969:—

Issue No.	No. and Date	Issued by	Subject
114. S.O. 1301, dated 31st March, 1969.		Ministry of Home Affairs.	The Council of Homoeopathic system of Medicine, Punjab (Reconstitution and Reorganisation) Order, 1969.
S.O. 1302, dated 31st March, 1969.		Do.	The Punjab Labour Welfare Board (Reconstitution and Reorganisation) Order, 1969.
S.O. 1303, dated 31st March, 1969.		Do.	The Punjab Bhudan Yagna Board (Reorganisation) Order, 1969.
एस० ओ० 1304 दिनांक 31 मार्च 1969		गृह मंत्रालय	होम्योपैथी चिकित्सा पद्धति परिषद् (पुनर्गठन) और पुनर्गठन) आदेश, 1969,
एस० ओ० 1305 दिनांक 31 मार्च 1969		तद्वैव	पंजाब श्रमिक कल्याण बोर्ड (पुनर्गठन और पुनर्गठन) आदेश, 1969 ।
एस० ओ० 1306 दिनांक 31 मार्च 1969		तद्वैव	पंजाब भूदान यज्ञ बोर्ड (पुनर्गठन) आदेश, 1969

Issue No.	No. and Date	Issued by	Subject
115.	S.O. 1307, dated 31st March, 1969.	Ministry of Foreign Trade and Supply.	Fixation of the rate of cess on all cardamom which is exported.
116.	S.O. 1308, dated 31st March, 1969.	Ministry of Labour, Employment and Rehabilitation.	Extending the period of operation of the award of the Honourable Arbitrator, Shri T. L. Venkatarama Aiyar, Retired Supreme Court Judge, in the industrial dispute between the employers in relation to the Reserve Bank of India and their Workmen represented by the All-India Reserve Bank Employees' Association by a period of one year with effect from the 5th April, 1960.
117.	S.O. 1309, dated 31st March, 1969.	Ministry of Foreign Trade and Supply.	Further emendments to the Exports (Control) Order, 1968.
118.	S.O. 1310, dated 31st March, 1969.	Do.	Authorising Shri P.C. Aggarwal to take over the management of the New Bhopal Textile Mills Ltd., Bhopal.
119.	S.O. 1311, dated 31st March, 1969.	Do.	Further amendment to notification No. MISC. 36/66 (I-1) dated 10th November, 1966 (as amended by notification No. 1/67, dated 4th August, 1967.)
	S.O. 1312, dated 31st March, 1969.	Do.	Further amendment to notification No. 12/66, dated 10th November, 1966 (as amended by notification No. 10/67, dated 4th August, 1967).
119A.	S.O. 1312-A, dated 31st March, 1969.	Do.	The Imports (Control) First Amendment Order, 1969.
	S.O. 1312-B, dated 31st March, 1969.	Do.	The Imports (Control) Second Amendment Order, 1969.
	S.O. 1312-C, dated 31st March, 1969.	Do.	The Imports (Control) Third Amendment Order, 1969.
120.	S.O. 1313, dated 1st April, 1969	Election Commission of India	Bye-election for the 13-Banas-kantha Parliamentary Constituency in the State of Gujarat.
	S.O. 1314, dated 1st April, 1969.	Do.	Appointment of dates for the above bye-election (S.O. 1313)
	S.O. 1315, dated 1st April, 1969.	Do.	Fixation of hours for the above bye-election (S.O. 1313).
	एस० ओ० 1316 दिनांक 1 अप्रैल 1969	भारत निर्वाचन आयोग ।	गुजरात राज्य में 13 बतसकांथा संसदीय क्षेत्र में उप निर्वाचन ।
	एस० ओ० 1317 दिनांक 1 अप्रैल 1969	तद्वय	ऊपर वाले संसदीय क्षेत्र में उप-निर्वाचन के लिये तारीख नियत करना (एस० ओ० 1316)।

Issue No.	No. and Date	Issued by	Subject
	एस० ओ० 1318 दिनांक 1 अप्रैल 1969	भारत निर्वाचन आयोग	ऊपर वाले संसदीय क्षेत्र में उप निर्वाचन के लिये समय नियत करना (एस० ओ० 1316)।
121.	S.O. 1319, dated 1st April, 1969.	Ministry of Food, Agriculture, Community Development and Co-operation.	Substitution of date.

ऊपर लिखे असाधारण राजपत्रों की प्रतियां प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नाम मागपत्र भेजने पर भेज दी जायेगी। मागपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुंच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(1) शासनालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किए गए विधिक आदेश और अधिसूचनाएं।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 5th April 1969

S.O. 1441.—In exercise of the powers conferred by section 53 read with section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (1) of section 11 of the said Act, shall not apply to the undernoted co-operative banks for a period of one year with effect from 1 March, 1969.

- (1) The Tuticorin Co-operative Bank Ltd., Tuticorin.
- (2) The Vishvakarma Co-operative Bank Ltd., Bombay.
- (3) The City Co-operative Bank Ltd., Bombay.
- (4) The Darjeeling District Central Co-operative Bank Ltd., Kalimpong.
- (5) The Karaikal Co-operative Urban Bank Ltd., Karaikal.

New Delhi, the 10th April 1969

S O. 1442.—Statement of the Affairs of the Reserve Bank of India, as on the 4th April, 1969.

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs
Capital Paid up	5,00,00,000	Notes	35,41,75,000
		Rupee Coin	3,63,000
Reserve Fund	150,00,00,000	Small Coin	8,07,000
		Bills Purchased and Discounted :—	
National Agricultural Credit (Long Term Operations) Fund .	143,00,00,000	(a) Internal	
		(b) External	
		(c) Government Treasury Bills	200 56,56,000
National Agricultural Credit (Stabilisation) Fund	33,00,00,000	Balances Held Abroad*	118,32 98,000
		Investments**	109,34 97,000
National Industrial Credit (Long Term Operations Fund .	55,00,00,000	Loans and Advances to :—	
		(i) Central Government	
		(ii) State Governments@	226 03 23,000
Deposits :—		Loans and Advances to :—	
(a) Government		(i) Scheduled Commercial Banks†	74,46 42,000
(i) Central Government	102 31 91,000	(ii) State Co operative Banks††	216 96 23,000
		(iii) Others	2,37 40,000

		Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund:—	
(i) State Governments	3,12,74,000	(a) Loans and Advances to :—	
(b) Banks:—		(i) State Governments	31,33,67,000
(i) Scheduled Commercial Banks	126,54,63,000	(ii) State Co-operative Banks	13,08,19,000
(ii) Scheduled State Co-operative Banks	9,24,65,000	(iii) Central Land Mortgage Banks	..
(iii) Non-Scheduled State Co-operative Banks	49,99,000	(b) Investment in Central Land Mortgage Bank Debentures	8,88,95,000
(iv) Other Banks	25,48,000	Loans and Advances from National Agricultural Credit (Stabilisation) Fund	
(c) Others	300,25,74,000	Loans and Advances to State Co-operative Banks	4,95,73,000
Bills Payable	54,19,67,000	Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund:—	
Other Liabilities	107,44,78,000	(a) Loans and Advances to the Development Bank	6,26,71,000
	<u>1089,89,52,000</u>	(b) Investment in bonds/debentures issued by the Development Bank	..
	Rupees	Other Assets	42,05,03,000
			<u>1089,89,52,000</u>
			Rupees

*Includes Cash, Fixed Deposits and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 32,18,67,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 9th day of April, 1969.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 4th day of April, 1969.

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department .	35,41,75,000		Gold Coin and Bullion:—		
Notes in circulation .	3577,92,73,000		(a) Held in India	182,53,11,000	
			(b) Held outside India	
TOTAL Notes issued .		3613,34,48,000	Foreign Securities	216,42,00,000	
			TOTAL		398,95,11,000
			Rupee Coin		72,90,74,000
			Government of India Rupee Securities		3141,48,63,000
			Internal Bills of Exchange and other Commercial paper
TOTAL LIABILITIES		3613,34,48,000	TOTAL ASSETS		3613,34,48,000

L. K. JHA,
Governor.

Dated the 9th day of April 1969.

[No. F. 3(3)-BC/69.]

K. YESURATNAM, Under Secy.

(Department of Revenue and Insurance)

New Delhi, the 26th March 1969

S.O. 1443.—In pursuance of Rule 3 of the Insurance Claims Board Rules, 1952, the Central Government hereby nominates Shri P. U. Patel, Chairman and Managing Director, Universal Fire and General Insurance Company Ltd., Universal Insurance Building, Sir Pherozshah Mehta Road, Bombay-1 to be a member of the Insurance Claims Board vice Shri M. G. Mody.

[No. F. 60(15)-INS.I/59.]

RAJ K. NIGAM, Dy. Secy.

वित्त मंत्रालय

(राजस्व तथा बीमा विभाग)

नई दिल्ली, 26 मार्च, 1969

क्र० प्रा० 1444—बीमा दावा बोर्ड नियम, 1952 के नियम 3 के अनुसार में केन्द्रीय सरकार श्री पी० यू० पटेल, अध्यक्ष तथा प्रबन्धनिदेशक, यूनिवर्सल फायर एण्ड जनरल इन्श्योरेंस कम्पनी लि०, यूनिवर्सल इन्श्योरेंस बिल्डिंग, सर फिरोजशाह मेहता रोड, मुम्बई-1 को श्री एम० जी० मोदी के स्थान पर बीमा दावा बोर्ड का एतद्वारा सदस्य नाम निर्देशित करती है।

[सं० एफ० 60(15)-ईन्स० 1/59]

(राज के० निगम) उप सचिव,

COLLECTORATE OF CENTRAL EXCISE, CALCUTTA & ORISSA

CENTRAL EXCISES

Calcutta, the 10th March 1969

S.O. 1445.—In exercise of the powers conferred on me by Rule 3 of the Central Excise Rules, 1944 and in supersession of the Collectorate Notification No. 4/1968 dated 28th August, 1968, I hereby authorise the Central Excise Officers of and the rank of an Assistant Collector of Central Excise to exercise the powers of the Collector under sub-rules (2) and (4) of Rule 56A of the Central Excise Rules, 1944 in their respective jurisdiction in the Collectorate of Central Excise, Calcutta & Orissa.

[No. 1/1969.]

N. MOOKHERJEE, Collector.

MINISTRY OF EDUCATION AND YOUTH SERVICES

New Delhi, the 7th April 1969

S.O. 1446.—The Central Government having nominated Shri M. S. Nadkarni to be a member of the Council in pursuance of clause (h) of sub-section (2) of section 31 of the Institutes of Technology Act, 1961 (59 of 1961), hereby makes the following amendment in the Notification of the Government of India in the late Ministry of Scientific Research and Cultural Affairs No. 24-5/62-T.6, dated 9th May, 1962, namely:—

In the said Notification, under the heading "II Representatives of the Central Government", in item (h) for the existing entry (ii), the following entry shall be substituted, namely:—

"(ii) Shri M. S. Nadkarni,
Financial Adviser,
Ministry of Finance,
New Delhi."

[No. F. 10-1/69-T.6.]

G. N. VASWANI,

Dy. Education Adviser (T).

शिक्षा तथा युवा सेवा मंत्रालय

नई दिल्ली 7 अप्रैल, 1969

एस० ओ० 1447.—इंस्टीट्यूट आफ टेक्नोलॉजी अधिनियम, 1961 (1961 का 59) की धारा 31 की उप-धारा (2) के खण्ड (ज) के अनुसरण में श्री एम० एस० नादकर्णी को परिषद् का सदस्य नामजद करने पर केन्द्रीय सरकार एतद् द्वारा भूतपूर्व वैज्ञानिक अनुसंधान तथा सांस्कृतिक कार्य मंत्रालय, भारत सरकार की अधिसूचना सं० एफ० 24-5/62-टी० 6 दिनांक 9 मई, 1962 में नीचे लिखा संशोधन करती है नामतः —

उक्त अधिसूचना में “केन्द्रीय सरकार के 11 प्रतिनिधियों के शीर्षक के अन्तर्गत वर्तमान प्रविष्टि (ii) के मद (ज) में निम्नलिखित प्रविष्टि प्रतिस्थापित की जायेगी, अर्थात् :—

“(ii) श्री एम० एस० नादकर्णी,
वित्तीय सलाहकार,
वित्त मंत्रालय, नई दिल्ली ।”

[सं० एक० 10-1/69-टी० 6.]

जो० एन० वास्वानी, उप शिक्षा सलाहकार ।

MINISTRY OF COMMERCE

OFFICE OF THE JOINT CHIEF CONTROLLER OF IMPORTS AND EXPORTS

(Central Licensing Area)

ORDERS

New Delhi, the 24th March 1969

..

S.O. 1448.—M/s. Krishan Lal Mahajan and Sons, 126, Tilak Bazar, Delhi, were granted permit No. P/E/0164186, dated 17th September, 1968 valued Rs. 20,000/- for import of Fresh Fruits (Grapes) from Afghanistan under the Indo-Afghan Trade Arrangement 1968-69. They have applied for the duplicate Exchange Control Copy of the said permit on the ground that the original Exchange Control Copy has been lost/misplaced.

In support of their declaration, the party has filed an affidavit duly attested by Notary stating that the original Exchange Control Copy of the said permit has been lost.

I am satisfied that Exchange Control Copy of the permit No. P/E/0164186, dated 17th September, 1968 has been lost and direct that duplicate Exchange Control Copy of the same may be issued to the applicant.

The original Exchange Control Copy of the permit is hereby cancelled.

[No. F. 21(A)/IV/PER/K-2(8)/AJ-69/Afr/CLA.]

New Delhi, the 1st April 1969

S.O. 1449.—M/s. Pharma Chemico Laboratories, Ram Kuti, Circular Road, Solan (H.P.) were granted an import licence No. P/SS/1610257/C/XX/25/CD/25/26, dated 16th March, 1968, for the import of Drugs and Medicines as per list attached with the licence from General Area for Rs. 30,750/- (rupees thirty thousand, seven hundred and fifty only). They have applied for the issue of duplicate copy of the licence for exchange control purposes only on the ground that original exchange control copy of the licence has been lost/misplaced having been utilised to the extent of Rs. 30,750/- by opening of letters of credit.

2. The applicants have filed an affidavit on stamped paper in support of their contention as required under para. 299(2) read with appendix 8 of the I.T.C. Hand Book of Rules and Procedure, 1968. I am satisfied that the original Exchange Control copy of the said licence has been lost/misplaced and in exercise of

the powers conferred on me under Clause 9(CC) Imports (Control) Order, 1955, dated 7th December, 1955 as amended up-to-date, I order cancellation of exchange control copy of Licence No. P/SS/1610257/C/XX/25/CD/25-26, dated 16th March, 1968.

3. The applicants are now being issued a duplicate copy for exchange control purposes of the said import licence in accordance with para. 299(2) of I.T.C. Hand Book of Rules and Procedure, 1968.

[No. F. 3/Priority-II/HP/AM.68/AU.HRH/CL.A.]

New Delhi, the 3rd April 1969

S.O. 1450.—M/s. Snowwhite Drycleaners, 193-A, New Rohtak Road, Sairai Rohilla, New Delhi, were granted an imports Licence No. P/SS/1609388/C/XX/25/CD/25-26, dated 17th January, 1968, for the import of Perchloroethylene Solvent and Hyflo Supercel Filter Aid on General Currency Area for Rs. 7870 (Rs. Seven thousand, eight hundred and seventy only). They have applied for the issue of duplicate copy of Custom Purposes thereof on the ground that original Customs Purposes copy of licence has been lost without having been utilized and without having been registered with any Custom House.

2. The applicant have filed an affidavit on stamped paper in support of their contention as required under para 299(2) read with Appendix 8 of the I.T.C. Hand Book of Rules and Procedure, 1968. I am satisfied that the original Custom Purposes copy of licence has been lost/misplaced.

3. In exercise of the powers conferred on me, under clause 9(cc) Import (Control) Order, 1955, dated the 7th December, 1955, as amended up-to-date, I order cancellation of Custom Purposes Copy of Licence No. P/SS/1609388/C/XX/25/CD/25-26, dated 17th January, 1968.

4. The applicant is now being issued a duplicate Custom Purposes Copy of the said import licence in accordance with para 299(2) of I.T.C. Hand Book of Rules and Procedure, 1968.

[No. F. S-26/AM-68/AU-UT/CL.A.]

(Central Licensing Area)

Cancellation Order

New Delhi, the 30th March 1969

S.O. 1451.—M/s. Jas Electric and Mfg. Co., 922-23, Faiz Road, Karol Bagh, New Delhi were granted licence No. P/SS/168370/C/XX/24/D/23-24/01-MF, dated 8th November, 1967 for Rs. 1776 and have applied for duplicate Exchange Control Purposes Copy of the licence on the ground that the original Exchange Control Purposes Copy has been lost. It is further stated by the firm that the original licence was registered with the principal Postal Appraiser, Foreign Post, New Delhi and utilised upto Rs. 1386 leaving the balance of Rs. 390.

In support of this contention, the applicant firm has filed an affidavit. I am satisfied that the original Exchange Control Copy has been lost and direct that duplicate Exchange Control Purposes Copy Licence No. P/SS/168370/C/XX/24/D/23-24/01-MF dated 8th November, 1967 should be issued to the applicant.

The original Exchange Control Purposes Copy is cancelled.

[No. Engg.-73/1967/SC-1/CLA/4257.]

RAM MURTI SHARMA,

Joint Chief Controller of Imports & Exports.

OFFICE OF THE JOINT CHIEF CONTROLLER OF IMPORTS AND EXPORTS

ORDER

Calcutta, the 1st April 1969

S.O. 1452.—Licence Nos. P/SS/1628342/C/XX/27/C/25-26 and P/SS/1628843/T/OR/27/C/25-28, both dated 15th June, 1968, of the value of Rs. 10,000/- and

Rs. 19,000/- respectively for import of Aromatic Chemicals and Natural Essential Oil, etc., was issued to M/s. Kalinga Perfumery and Chemical Industries, College Road, Utnab Patra's House, Puri, Orissa subject to the conditions as under:—

All items imported under it shall be used only in the licence holder's factory at the address shown in the application against which the licences are issued and no portion thereof will be utilised by the licensee for a unit/purpose other than the one for which licences in question are issued or will be sold or permitted to be utilised by any other party.

2. Thereafter, a show cause notice No. 206/68/E&L, dated 14th February, 1969 was issued asking them to show cause within 15 days as to why the said licences in their favour should not be cancelled on the ground that there is no existence of the firm at their address given by them in terms of clause 9, sub-clause (cc).

3. In response to the aforesaid show cause notice, M/s. Kalinga Perfumery and Chemical Industries, Puri, had, by their letter dated 3rd March, 1969, furnished a detailed explanation. In their said reply the firm contended that they have properly utilised the licences.

4. The undersigned has carefully examined the said representation and has come to the conclusion that the firm has no existence and have misutilised the raw materials imported against the above licences.

5. Having regard to what has been stated in the preceding paragraph, the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned, in exercise of the powers vested in him under clause 9, sub-clause (cc) of the Imports (Control) Order, 1955 hereby cancel the licence Nos. P/SS/1628842/C/XX/27/C/25-26, and P/SS/1628843/T/OR/27/C/25-26, both dated 15th June, 1968 for Rs. 10,000/- and Rs. 19,000/- respectively issued in favour of M/s. Kalinga Perfumery and Chemical Industries, College Road, Utnab Patra's House, Puri, Orissa.

[No. 206/68/E&L.]

M. S. PURI,

Dy. Chief Controller of Imports & Exports.

OFFICE OF THE CHIEF CONTROLLER OF IMPORTS AND EXPORTS

ORDER

New Delhi, the 1st April 1969

S.O. 1453.—M/s. Mukand Iron and Steel Works, Ltd., Bombay were granted Licence No. P/D/2163315/S/IN, dated 3rd May, 1968, under I.D.A. Credit for the import of raw materials and spares valued at Rs. 3,74,000/-. They have requested for the issue of duplicate customs purposes copy of the licence on the ground that the original Customs copy of the licence has been lost by them. It has further been reported by the party that the licence was lost party utilised to the extent of Rs. 1,33,948/- only leaving a balance of Rs. 2,40,052/-. The licence was registered with Collector of Customs, Bombay.

In support of their contention, the applicant have filed an affidavit. The undersigned is satisfied that the original Customs copy of the licence No. P/RM/2163315/S/IN, dated 3rd May, 1968, has been lost and directs that a duplicate Customs copy of the said licence should be issued to them. The original Customs copy is cancelled.

The duplicate customs copy is being issued separately.

[No. SC/5(D)/67-68/RMI.]

T. M. B. NEDUNGADI,

Joint Chief Controller of Imports and Exports.

MINISTRY OF INDL. DEV., INTERNAL TRADE AND CO. AFFAIRS

(Department of Industrial Development)

ORDER

New Delhi, the 8th April 1969

S.O. 1454./IDRA/5.—In exercise of the powers conferred by section 5 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), read with rule 8 of the Central Advisory Council (Procedural) Rules, 1952, the Central Government hereby appoints Shri Ramnath A. Podar to be member of the Central Advisory Council of Industries till the 3rd November, 1969, in place of Shri G. M. Modi and directs that the following amendment shall further be made in the Order of the Government of India in the Ministry of Industrial Development and Company Affairs (Department of Industrial Development) No. S.O. 4044 dated the 4th November, 1967 as amended by S.O. No. 1590 dated the 25th April, 1968, namely :—

In the said Order, for entry No. 2 relating to Shri G. M. Modi, the following entry shall be substituted, namely:

“Shri Ramnath A. Podar, President, Federation of Indian Chambers of Commerce and Industry, Federation House, New Delhi-1.

[No. 1(5)Lic.Pol./67.]

R. C. SETHI, Under Secy.

(Department of Industrial Development)

(Indian Standards Institution)

New Delhi, the 17th April 1969

S.O. 1455.—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the Indian Standard(s), particulars of which are given in the Schedule hereto annexed, have been established during the period 1 February to 31 March, 1969 :

THE SCHEDULE

Sl. No.	No. and Title of the Indian Standard Established	No. and Title of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Brief Particulars
(1)	(2)	(3)	(4)
1.	IS : 236-1968 Methods for determination of cotton fibre maturity (by sodium hydroxide swelling method) (<i>first revision</i>).	IS : 236-1954 Method for determination of cotton fibre maturity count.	This standard prescribes three methods for determination of cotton fibre maturity by sodium hydroxide swelling method (Price Rs. 2.50)
2.	IS : 540-1968 Specification for refined cresylic acid (<i>first revision</i>).	IS : 540-1956 Specification for refined cresylic acid.	This standard prescribes the requirements and the method of sampling and test for refined cresylic acid (Price Rs. 6.00)
3.	IS : 543-1968 Specification for cottonseed oil (<i>second revision</i>).	(i) IS : 543-1966 Specification for cottonseed oil (<i>revised</i>) (ii) IS : 3472 - 1960 Specification for solvent extracted cotton seed oil.	This standard prescribes the requirements and the methods of sampling and test for cottonseed oil for edible and industrial purposes (Price Rs. 5.00)

(1)	(2)	(3)	(4)
4. IS : 798-1968 Specification for orthophosphoric acid (<i>first revision</i>).	IS 798-1955 Specification for orthophosphoric acid, technical.	This standard prescribes the requirements and the methods of sampling and test for orthophosphoric acid (Price Rs. 7.00).	
5. IS : 911-1958 Specification for air hose of rubber with braided textile reinforcement (<i>second revision</i>).	(i) IS : 911- 1963 Specification for braided air hose of rubber, heavy duty (<i>revised</i>) (ii) IS : 912-1963 Specification for braided air hose of rubber, light duty (<i>revised</i>).	This standard prescribes the requirements, methods of sampling and test for air hose of rubber with braided textile reinforcement (Price Rs. 3.50).	
6. *IS:1038-1968 Specification for steel doors, windows and ventilators (<i>first revision</i>)	*IS:1038-1957 Specification for steel doors, windows and ventilators.	This standard lays down the requirements regarding material, fabrication and finish of steel doors, windows and ventilators manufactured from rolled steel sections to standard sizes and designs (Price (Rs. 9.50)	
7. @IS : 1239 (Part I)-1968 Specification for mild steel tubes, tubulars and other wrought steel fittings.	@IS:1239-1964 Specification for mild steel tubes and tubulars (<i>revised</i>)	This standard covers the requirements for butt welded and seamless, screwed and socketed and plain and mild steel tubes (Price Rs. 5.00).	
Part I mild steel tubes (<i>second revision</i>)			
8. IS : 1281-1968 Specification for bicycle cranks and chain wheels (<i>first revision</i>).	IS : 1281-1958 Specification for bicycle cranks and chain wheels.	This standard covers the requirements for cranks and chain wheels intended for the chain drive and fitted on the centre axle of bicycle of two standard sizes (22 and 24) of bicycles in use in the country (Price Rs. 3.50).	
9. IS : 1344-1958 Specification for burnt clay pozzolana (<i>first revision</i>)	IS : 1344-1959 Specification for SUR-KHI for use in mortar and concrete	This standard covers the physical requirements of burnt clay pozzolana for use as a pozzolana as well as an admixture for cement mortar and concrete and gives guidelines for the manufacture of burnt clay pozzolana (Price Rs. 2.50).	
10. (a) IS : 1448(P:70)-1968 Method of test for residue in liquefied petroleum gases.	These seven new methods have been issued in loose leaf form for testing of petroleum and its products. (Price : 70, P : 71, P : 72, P : 74 and P : 76 Rs. 2.00 each ; P : 73 - Rs. 1.00 P : 75 Rs. 1.50)		
(b) IS : 1448-(P:71), Method of test of vapour pressure of liquefied petroleum gases.)			
(c) IS : 1458 (P : 72)-1968 Method of test for volatility of liquefied petroleum gases.			

*For the purpose of ISI Certification Marks Scheme, IS : 1038-1957 shall also run concurrently with IS : 1038-1968 upto 31 May 1969.

@For the purpose of ISI Certification Marks, Scheme IS : 1239-1964 shall also run concurrently with IS : 1239 (Part I)-1968 upto 31 July 1969.

(1)	(2)	(3)	(4)
<p>(d) IS : 1448 (P:73) - 1968 Method of test for hydrogen sulphide in liquefied petroleum gases.</p> <p>(e) IS : 1448 (P : 74) - 1968 Method of test for dryness of liquefied petroleum gases.</p> <p>(f) IS : 1448 (P : 75) - 1968 Method of test for odour of liquefied petroleum gases.</p> <p>(g) IS : 1448 (P : 76) - 1968 Method of test for density of liquefied petroleum gases.</p>			
11. IS : 1468-1968 Specification for ferrotitanium (<i>first revision</i>).	IS 1468-1960 Specification for ferrotitanium.	This standard covers the requirements for ferrotitanium (Price Rs. 1.50).	
12. *IS : 1505-1968 Specification for gamma BHC (lindane) smoke generators (<i>first revision</i>)	IS : 1505-1959 Specification for BHC smoke generators	This standard prescribes the requirements and the method of test for gamma BHC (lindane) smoke generators (Price Rs. 6.00).)	
13. IS : 1858-1968 Specification for door mats, creel, bit and fibre (<i>second revision</i>).	IS : 1858-1964 Specification for door mats, creel, bit and fibre (<i>revised</i>).	This standard prescribes the requirements for creel, bit and fibre varieties of door mats, and covers plain, stencilled and fancy in laid mats (Price Rs. 5.00).	
4. IS : 1865-1968 Specification for iron castings with spheroidal or nodular graphite (<i>first revision</i>).	IS : 1865-1961 Specification for iron casting with spheroidal or nodular graphite.	This standard covers the requirements of iron castings with spheroidal or nodular graphite in six grades, namely, SG80/2, SG70/2, SG60/2, SG50/7, SG42/12 and SG 38/17 (Price Rs. 5.00).	
15. IS : 2331-1968 Specification for handloom coir mattings, mourzouks and carpets (<i>first revision</i>).	IS : 2331-1963 Specification for coir mattings, mourzouks and carpets.	This standard prescribes the requirements for handloom coir mattings, mourzouks and carpets (Price Rs. 5.00).	
16. IS : 2396-1968 Specification for rubber hose for petrol and diesel fuels with braided textile reinforcement (<i>first revision</i>).	IS : 2396-1963 Specification for braided hose of rubber for petrol and diesel fuels.	This standard prescribes the requirements and methods of sampling and test for rubber hose with braided textile reinforcement, manufactured either by the mandrel or long length moulded process for use in dispensing pumps for petrol and diesel fuels (Price Rs. 2.50).	
17. IS : 2524 (Part - I)- 1968 Code of practice for painting of non-ferrous metals in buildings.	..	This standard covers pretreatment of non-ferrous metals in buildings before painting (Price Rs. 5.00).	

Part I pretreatment

*For the purpose of ISI Certification Marks Scheme IS : 1505-1968 shall come into force with effect from 1 March, 1969.

(1)	(2)	(3)	(4)
18.	IS : 3370 (Part IV) - 1967 Code of practice for concrete structures for the storage of liquids. Part IV design tables	..	This standard recommends design tables, which are intended as an aid for the design of reinforced or prestressed concrete structures for storage of liquid (Price Rs. 12.00)
19.	IS : 3656-1968 Code of recommended practice for mechanical polishing of metals for electroplating.	..	This code of recommended practice describes polishing equipment and its accessories generally used, and recommends techniques for the mechanical polishing of metals before electroplating (Price Rs. 5.00).
20.	IS : 3961 (Part IV) - 1968 Recommended current ratings for cables. Part IV polyethylene insulated cables.	..	This standard covers recommended current ratings for polyethylene insulated and PVC-sheathed cables covered by IS : 1596-1962 (Price Rs. 2.50)
21.	IS : 3961 (Part V) - 1968 Recommended current ratings for cables. Part V PVC insulated light duty cables.	..	This standard covers recommended current ratings for both the copper conductored as well as aluminium conductored PVC insulated cables and copper conductored flexible cords covered by IS : 694 (Part I)-1964 and IS : 694 (Part II)-1964 respectively (Price Rs. 5.00)
22.	IS : 4034-1968 Specification for castors for hospital equipment.	..	This standard lays down requirements for swivel type castors for use on hospital equipment (Price Rs. 6.00)
23.	IS : 4410 (Part VI) - 1968 Glossary of terms relating to river valley projects. Part VI reservoirs.	..	This standard contains definitions of terms relating to the various types of reservoirs, storage and sedimentation in reservoirs and evaporation losses from reservoirs, but does not contain definitions of terms relating to subsurface or ground water reservoirs (Price Rs. 3.50).
24.	IS : 4561 (Part II) - 1968 Specification for oil cans. Part II conical oil cans.	..	This standard specifies the requirements for conical oil cans, for general purposes (Price Rs. 2.50).
25.	IS : 4701-1968 Code of practice for earthwork on canals.		This standard covers requirements and methods for earthwork on canals covering excavation and construction of embankments. (Price Rs. 8.00).
26.	IS : 4723 - 1968 Specification for egg powder.	..	This standard prescribes the requirements and the methods of sampling and test for egg powder (Price Rs. 7.50).

(1)	(2)	(3)	(4)
27.	IS : 4729-1968 Measurement and evaluation of vibration of rotating electrical machines.	..	This standard covers the methods of measurement and evaluation of the vibration of rotating electrical machines having outputs of 0.150 kW and above (Price Rs. 5.00).
28.	IS : 4757-1968 Dimensions for wrapped bushes and thrust washers.	..	This standard specifies dimensions of wrapped bushes and thrust washers suitable for journals of 10 mm to 58 mm nominal diameter (Price Rs. 5.50).
29.	IS : 4762-1968 Specification for domestic cooking ranges including drillers, for use with liquefied petroleum gases.	..	This standard specifies construction, operation, safety requirements and tests for domestic cooking ranges including grillers, hereinafter called cooker, burning gases at a rate not exceeding 1,500 g/h, intended for use with liquefied petroleum gases at 30 gf/cm ² gas inlet pressure (Price Rs. 10.00).
30.	IS : 4768-1968 Specification stainless steel buckets.	..	This standard lays down the requirements for stainless steel buckets of 225, 250, 275, 300, 325 and 350 mm nominal size (diameter of the bucket at the top) (Price Rs. 2.00).
31.	IS : 4773 - 1968 Specification for plunger blocks for rolling bearings.	..	This standard specifies the requirements for light and medium series plunger blocks for radial ball and roller bearings (Price Rs. 2.50).
32.	IS : 4776 (Part - I) 1968 Specification for troughed belt conveyors. Part I troughed belt conveyors for surface installations.	..	This standard covers the requirements of three roll troughed belt conveyors using rubber and canvas belts conforming to IS : 1891 (Part -I) 1968 (Price Rs. 6.50).
33.	IS : 4777-1968 Performance tests for protective schemes used in protection of light gauge steel against corrosion.	..	This standard prescribes two methods of testing the performance of a protective scheme under corrosive conditions to determine whether a desired standard is reached. These tests are : (a) the salt droplet test; and (b) the IP test (Price Rs. 7.50)
34.	IS : 4794 (Part I)-1968 Specification for push-button switches Part I general requirements and tests	..	This standard relates to push-button switches having a rated voltage not exceeding 500 V dc or ac and rated current not exceeding 25 A for use in electronic and telecommunication equipment (Price Rs. 7.50)
35.	IS : 4799-1968 Specification for dental casting gold alloys	..	This standard covers three types of dental casting gold alloys intended primarily for use in the casting of dental inlays, crowns and bridges (Price Rs. 2.00)

(1)	(2)	(3)	(4)
36 IS: 4800 (Part I)-1968 Specification for enamelled round winding wires Part I conductors or data	(i) & IS:1595-1967 Specification for enamelled round copper wire with high mechanical properties (<i>first revision</i>) and (ii) & IS:2659-1964 Specification for enamelled round copper wire for elevated temperatures.	This standard covers the requirements of high conductivity annealed round copper conductors and electrolytic grade high conductivity annealed round aluminium conductors irrespective of the type of insulation (Price Rs. 5.00)	This standard covers the values for maximum overall diameters of enamelled round winding wires having either copper or aluminium as conductor (Price Rs. 2.00)
37 IS: 4800 (Part II)-1968 Specification for enamelled round winding wires Part II maximum overall diameters		This standard covers the methods of tests for enamelled round winding wires irrespective of conductor material and type of insulation (Price Rs. 8.50)	This standard covers the requirements of enamelled round wires with high mechanical properties (for example, wires with enamel on a polyvinylacetal base) (Price Rs. 4.00)
38 IS: 4800 (Part III)-1968 Specification for enamelled round winding wires Part III methods of tests.		This standard covers the requirements of enamelled round wires for elevated temperatures (for example, wires with enamel on terephthalate-polyester base) (Price Rs. 4.00)	
39 IS: 4800 (Part IV)-1968 Specification for enamelled round winding wires Part IV wires with high mechanical properties.			
40 IS: 4800 (Part V)-1968 Specification for enamelled round winding wires Part V wires for elevated temperatures			
41 IS: 4804 (Part I)-1968 Specification for resistance welding equipment	..	This standard lays down the requirements, methods of test and service conditions for transformers incorporated in the following single-phase transformer type ac resistance welding equipment:	(a) Spot welders, (b) Projection welders, (c) Combination spot welders, (d) Fixture type resistance welders, (e) Portable gun welders, (f) Resistance heating machine (g) Resistance heating and upsetting machines; (h) Seam welders, (j) Upset butt welders, and (k) Flash butt welders (Price Rs. 5.50)
Part I single-phase transformers			

For the purpose of 1st certification marks scheme, IS : 1595-1967 and IS: 2659-1964 shall also run concurrently with IS: 4800 (Part I to V)-1968 upto 30 April, 1969.

(1)	(2)	(3)	(4)
42	IS: 4805-1968 Guide for design and construction of brick kiln	..	This standard gives the broad outlines required in the design and construction of brick kilns used for the manufacturing of building bricks. This standard covered only the arch-less, top-fed, coal-fired continuous kiln which works on natural drought (Price Rs. 2.50)
43	IS: 4811-1968 Specification for cinnamon, whole	..	This standard prescribes the requirements for cinnamon (<i>cinnamomum zeylanicum</i> blume), whole, for use as a spice and in condiments (Price Rs. 2.00)
44	IS: 4815-1968 Specification for self-cancelling direction indicator switches for automobiles	.	This standard covers the basic mechanical and electrical requirements and methods of test for self-cancelling direction indicator switches for automobiles (Price Rs. 3.50).
45	IS: 4817-1968 Specification for rubber-insulated cables for mines.	..	This standard deals with cables insulated with vulcanized rubber, sheathed, wire armoured, taped and braided, or hessian taped overall or further sheathed (outer sheath) as follows : (a) Twin and 3-core, 250/440 volts, lighting cable (other than coal face lighting cable); (1) Single wire armoured, and (2) Double wire armoured. (b) Twin and 3-core, 650/1100 volts; (1) Single wire armoured, and (2) Double wire armoured. (c) (1) Single wire armoured, and (2) Double wire armoured (Price Rs. 8.00).
46	IS: 4818-1968 Specification for sorbic acid, food grade	..	This standard prescribes the requirements and the methods of sampling and test for sorbic acid for use as food preservative (Price Rs. 2.50).
47	IS: 4819-1968 Specification for thin vulcanized fibre sheet (including leatheroid) for electrical purposes.	..	The standard prescribes the requirements regarding material, finish, preferred thickness and tolerance on thickness of vulcanized fibre sheets less than 1.5 mm thick for electrical purposes (Price Rs. 6.00).
48	IS: 4821-1968 Specification for cable glands and cable sealing boxes for use in mines.	..	This standard prescribes essential features of design and construction of cable sealing and dividing boxes provided with the cable glands intended to be filled with appropriate

(1)	(2)	(3)	(4)
			<p>insulating compound and designed primarily for use in mines in combination with cables of the following types :</p> <p>(a) Lead or aluminium sheathed unarmoured cables, where such are permissible;</p> <p>(b) Lead or aluminium sheathed wire armoured cables, where such are permissible;</p> <p>(c) Unsheathed wire armoured cables; and</p> <p>(d) PVC sheathed and armoured cables, where such are permissible (Price Rs. 5.50).</p>
49	IS: 4822-1968 Specification for brass cooking utensils.	..	<p>This standard lays down the requirements for <i>DEGGHIES</i> (normal and deep type), frying-pans, frying bowls (<i>KADAHIS</i>), stew-pans and saucepans, made of brass (Price Rs. 3.50).</p>
50	IS: 4825-1968 Specification for laboratory and reference thermometers.	..	<p>This standard prescribes the requirements for liquid-in-glass laboratory and reference thermometers graduated for vertical, total and partial immersions covering the overall range—80°C to 450°C and meant for use where a high degree of precision is required (Price Rs. 3.50).</p>
51	IS: 4826-1968 Specification for galvanized coatings on round steel wires.	..	<p>This standard covers the requirements for zinc coating of galvanized wires of circular section of diameters from 0.200 mm upto and including 10.0 mm (Price Rs. 2.50)</p>
52	IS: 4827-1968 Specification for electroplated coatings of nickel and chromium on copper and copper alloys.	..	<p>This standard covers the requirements for electroplated coatings of nickel and chromium applied to articles made of copper or copper base alloys with a view to improving the appearance as well as the corrosion resistance of their significant surfaces (Price Rs. 4.00).</p>
53	IS: 4828-1968 Specification for electroplated coatings of nickel and chromium on zinc and zinc alloys.	..	<p>This standard covers the requirements for electroplated coatings of nickel and chromium applied to articles made of zinc and zinc alloys with a view to improving the appearance as well as the corrosion resistance of their significant surfaces (Price Rs. 4.00).</p>
54	IS: 4830-1968 Specification for ammonium Phosphate sulphate (16-20-0)	..	<p>This standard prescribes the requirements and the methods of sampling and test for ammonium phosphate sulphate (16-20-0). (Price Rs. 5.50)</p>

(1)	(2)	(3)	(4)
55	IS:4832 (Part III)-1968 Specification for chemical resistant mortars Part III sulphur type	—	This standard covers the requirements of sulphur type chemical resistant mortars for bonding chemical resistant masonry units (Price Rs. 2.50).
56	IS:4834—1968 Specification for veneered-wood boards for packing cases.	—	This standard covers the requirements of veneered-wood boards intended for packing cases and boxes and similar work (Price Rs. 3.50).
57	IS:4835—1968 Specification for polyvinyl acetate dispersion based adhesives for wood	—	This standard covers thermoplastic synthetic emulsion adhesives based on polyvinyl acetate dispersions for use as a general purpose adhesive in the wood, veneer and furniture industries (Price Rs. 3.50).
58	IS:4837 (Part D)-1968 Recommendations for school furniture, classroom chairs and tables for use in junior schools Part I age group 5-11 years	—	This standard deals with the dimensional requirements of the chairs and tables for children in the age group 5-11 years for use in the Indian Schools. The chairs and tables have been divided into three sizes related to age groups of children and also to the grades (classes) (Price Rs. 3.50).
59	IS:4838 (Part II)- 1968 Anthropometric dimensions for school children Part II age group 12-16 years	—	This standard gives in detail anthropometric dimensions of children belonging to age group between 12 and 16 years and graphically represents body measurements, reach dimensions, eye levels and correlation of body measurements (Price Rs. 2.50)
60	IS: 4839 (Part I)-1968 Code of practice for maintenance of canals Part I unlined canals	—	This standard covers the maintenance and repair of unlined canals (Price Rs. 4.00)
61	IS:4840—1968 Method for determination of flow rate of powders for powder metallurgical purposes	—	This standard relates to the determination of flow rate of powders for powder metallurgical purposes. The method is suitable only for those powders which will flow unaided through the specified apparatus (Price Rs. 1.50)
62	IS:4844—1968 Method of sampling and preparation of asbestos fibre for laboratory test purposes	—	This standard covers the method of sampling asbestos fibre and the preparation of the sample from lots for laboratory test purposes. A lot shall be from one source (Price Rs. 2.00)

(1)	(2)	(3)	(4)
63	IS:4846—1968 Specification for sodium potassium tartrate (rochelle salt)	—	This standard prescribes the requirements and the methods of sampling and test for sodium potassium tartrate commonly known as Rochelle salt (Price Rs. 5.50)
64	IS:4847—1968 Specification for copper cyanide for electroplating	—	This standard prescribes the requirements and the methods of sampling and test for copper cyanide for electroplating (Price Rs. 5.50)
65	IS:4849—1968 Specification for rain measures	—	This standard specifies the requirements for rain measures for use with rain gauges having collector areas of 200cm ² and 100cm ² (Price Rs. 3.50)
66	IS:4850—1968 Application guide for expulsion-type lightning arresters	—	This guide lays down the practices for the application of expulsion-type lightning arresters covered by IS:3060 (Part II)—1966 (Price Rs. 5.00)
67	IS:4851—1968 <i>Pro-forma</i> for analysis of unit rate of concrete used in mechanized construction of river valley projects	- -	This standard lays down the <i>pro forma</i> for analysis of unit rate of concrete used in mechanized construction of river valley projects (Price Rs. 2.00)
68	IS:4852—1968 <i>Pro-forma</i> for analysis of unit rate of masonry used in construction of river valley projects	—	This standard lays down the <i>pro forma</i> for analysis of unit rate of rubble masonry (Price Rs. 2.00)
69	IS 4853—1968 Recommended practice for radiographic examination of fusion welded circumferential joints in steel pipes	—	This standard describes and recommends three different techniques for the radiographic examination of fusion welded circumferential butt joints in steel pipes upto 100mm in wall thickness using single wall technique and 50mm using double wall technique. The recommendations are based primarily on radiographic techniques which have been used successfully in industry for examination of welded pipe joint (Price Rs 6.00)
70	IS:4854 (Part II)—1968 Glossary of terms for valves and their parts Part II plug valves and cocks and other parts	—	This standard defines types of, and parts for, plug valves and cocks (Price Rs. 7.00)
71	IS:4856—1968 Specification for new jute woolpack	—	This standard prescribes constructional details and other particulars of New Jute Woolpack (Price Rs. 4.00)

(1)	(2)	(3)	(4)
72	IS:4857—1968 Method for determination of compressibility of ductile metal powders	—	This standard relates to the determination of compressibility of ductile metal powders having a particle size ranging from 0.04 to 0.5 mm (Price Rs. 2.00)
73	IS:4858—1968 Specification for velocity rods	—	This standard specifies the functional requirements, test to be carried out, and materials to be used, for both single tube rigid velocity rods and telescopic (adjustable) velocity rods (Price Rs. 3.50)
74	IS:4859—1968 Specification for high strength aircraft plywood	—	This standard lays down the requirements for strength, quality, bonding and manufacture of high strength aircraft plywood suitable for use in the manufacture of primary structural parts of aircraft (Price Rs. 6.50)
75	IS:4860—1968 Specification for acid-resistant bricks	—	This standard lays down requirements for acid-resistant bricks (Price Rs. 5.00)
76	IS : 4351—1948 Specification for dry powder for fighting fires in burning metals	—	This standard lays down the requirements of two classes of dry powder for fighting fires in burning metals only (Price Rs. 2.50).
77	IS: 4862—1968 Specification for portable fire extinguishers for aircraft.	—	This standard lays the requirements regarding performance of hand-operated portable fire extinguishers for use in aircraft (Price Rs. 4.00).
78	IS : 4863—1968 Glossary of mining terms (drilling and blasting).	—	This standard covers the terms relating to drilling and blasting used in the field of mining (Price Rs. 6.00).
79	IS : 4872—1968 Sizes for planing machines	—	This standard lays down the basic dimensions for the following two types of planing machines : (a) Single column planing machines, and (b) Double column planing machines (Price Rs. 2.00).
80	IS : 4875—1968 Specification for edible groundnut flour (solvent extracted).	—	This standard prescribes the requirements and the method of sampling and test for edible groundnut flour obtained from groundnut kernels by expelling followed by solvent extraction or by direct extraction of kernels (Price Rs. 2.00).

(1)	(2)	(3)	(4)
81 IS : 4879—1968 Method of sub-division of gross sample of powder used for determination of particle size.	—	This standard describes seven methods of sub-division of gross sample down to the required quantity for further analysis for determination of particle size distribution (Price Rs. 5.50).	
82 IS 4880 (Part II)—1968 Code of practice for design of tunnels conveying water.	—	This standard lays down general requirements and criteria for geometric design of tunnels conveying water under pressure or under free flow conditions. (Price Rs 2.50)	
Part II geometric design			
83 IS : 4882—1968 Specification for low-carbon steel wire for rivets for use in bearing industry.	—	This standard covers the requirements for low carbon steel wire for rivets for use in bearing industry (Price Rs. 2.00).	
84 IS : 4883—1968 Specification for <i>Khoa</i>	—	This standard prescribes the requirements and the method of sampling and test for <i>Khoa</i> (Price Rs. 2.50).	
85 IS : 4884—1968 Specification for sterilized cream	—	This standard prescribes the requirements and methods of sampling and test for sterilized cream (Price Rs. 3.50).	
86 IS : 4886—1968 Code of practice for fire safety of industrial buildings : tea factories	—	This standard covers the requirements with regard to fire safety aspects of tea factories (Price Rs. 5.50).	
87 IS : 4887—1968 Specification for petroleum jelly for cosmetic industry.	—	This standard prescribes the requirements and methods of sampling and test for petroleum jelly for cosmetic industry (Price Rs. 6.00).	
88 IS : 4888—1968 Specification for paper cones for winding yarn	—	This standard prescribes requirements for and methods of sampling of paper cones for winding yarn (cross wound) (Price Rs. 2.00)	
89 IS : 4892—1968 Specification for synthetic rubber aprons (reinforced) for drafting systems	—	This standard prescribes the requirements of synthetic rubber aprons for drafting system (Price Rs. 2.50)	
90 IS : 4893—1968 Specification for perforated stainless steel cones for wet processing.	—	This standard prescribes the requirements for and methods of sampling of open-top type stainless steel cones having 4.20 angle (for cross winding yarn) for wet processing (Price Rs. 2.00).	
91 IS : 4896—1968 Specification for one per cent. chromium steel castings for resistance to abrasion.	—	This standard covers the requirements for one percent. chromium steel castings for applications where resistance to abrasion is required (Price Rs. 3.50).	

(4)	(2)	(3)	(4)
92.	IS : 4898-1968 Specification for steel castings for case carburizing.	..	This standard covers the requirements for steel castings for case carburizing (Price Rs. 23. 50).
93.	IS : 4899-1968 Specification for ferritic steel castings for use at low temperatures.	..	This standard covers the requirements for ferritic steel castings for use at low temperatures (Price Rs. 3.50).
94.	IS : 4901-1968 Code of practice for magnetic particle flaw detection of steel crankshaft forgings.	..	This standard covers magnetic particle methods for detecting flaws in steel crankshaft forgings. This standard is primarily applicable for the detection of flaws which are at or near the exterior surface of the forgings (Price Rs. 2.50)
95.	IS : 4902-1968 Method for determination of correct invoice weight and moisture content of woollen and worsted yarns.	..	This standard prescribes a method for determination of correct invoice weight and moisture content of woollen and worsted yarns (Price Rs. 2.00).
96.	IS : 4903-1968 Guide for treatment of effluents of cane sugar industry.	..	This guide covers methods of treatment and disposal of effluents of cane sugar industry. It is a compilation of the available data and information on the sources, nature, volumes and pollutional effects of the effluents, ways of waste prevention and methods of their treatment and disposal (Price Rs. 5.50).
97.	IS : 4907-1968 Method of testing timber connectors.	..	This standard deals with the methods of testing timber connectors and evaluating their important characteristics so as to enable the data to be used in the various designs of timber structurals where such connectors are used (Price Rs. 4. 00).
98.	IS : 4908-1968 Glossary of terms used in lac industry.	..	This standard defines the technical terms widely used in the Indian lac industry (Price Rs. 4.00).
99.	IS : 4911-1968 Glossary of terms relating to bituminous waterproofing and dam-proofing of building.	..	This standard covers definitions of terms relating to bituminous waterproofing and damproofing materials used in building construction (Price Rs. 4.00).
100.	IS : 4912-1968 Safety requirements for floor and well openings, railings and toe boards.	..	This standard deals with the safety requirements to be provided in buildings where there is danger of persons or materials falling through floor or wall openings or from stairways or catwalks (Price Rs. 3.50).

(1)	(2)	(3)	(4)
101.	IS : 4915-1968 Specification for welders' chipping hammer.	—	This standard covers the requirements for welders' chipping hammer used by welders for chipping welds and welding slag (Price Rs. 2.00).
102.	IS 4916-1968 Methods of test for bicycles saddles.	..	This standard prescribes the methods of test for saddles for fitting in popular sizes (22 & 24) of bicycles in use in the country (Price Rs. 2.00).
103.	IS : 4922-1968 Specification for seamless steel tubes (suitable for welding) for aircraft purposes.	..	This standard covers the requirements for two grades of seamless carbon-manganese steel straight and bent circular tubes (suitable for welding) for aircraft purposes, namely St. 55 and st. 71. (Price Rs. 2. 50).
104.	IS : 4932-1968 Specification for mango grafts.	..	This standard prescribes the requirements for grafts of mangoes raised by the requirements for grafts inarching (approach graft) method. (Price Rs. 1.50).
105.	IS : 4934-1968 Specification for jute seed for propagation purposes.	!	This standard prescribes the requirements and the methods of sampling and test for seeds of jute (<i>Corchorus olitorius</i>) for propagation purposes (Price Rs. 2.00).
106.	IS : 4936-1968 Specification for fruit squashes.	..	This standard prescribes the requirements and the methods of sampling and test for fruit squashes (Price Rs. 3.50).
107.	IS : 4937-1968 Specification for insulated aluminium milk cans,]	..	This standard prescribes the requirements for insulated aluminium milk cans of a rated capacity of 20, 30 and 35 litres for collection and distribution of fluid milk (Price Rs. 2.50).
108.	IS : 4938-1968 Specification for insulated stainless steel milk storage tanks, vertical type,]	..	This standard prescribes the requirements for insulated stainless steel vertical cylindrical milk storage tanks of 10,000 and 15,000 litres capacities (Price Rs. 3.50).
109.	IS : 4943-1968 Assessment of butt and fillet fusion welds in steel sheet, plate and Pipe.	..	This standard prescribes notched tensile and notched bend tests for assessing the quality of butt welds in steel sheet, plate and pipe and bend over test and wedge test for assessing the quality of fillet welds in steel plate (Price Rs. 5.00).
110.	IS : 4944-1968 Code of procedure for welding at low ambient temperatures.	..	This code of procedure prescribes recommendations with regard to safety precautions to be taken while welding at low ambient temperatures (Price Rs. 2.50)

(1)	(2)	(3)	(4)
111.	IS : 4951-1968 Specification for ham, canned.	..	This standard prescribes the requirements and methods of sampling and test for canned ham (Price Rs. 2.50).
112.	IS : 4957-1968 Specification for mantle holders, nozzle type.	..	This standard covers material dimensional and performance requirements of nozzle type mantle holders (Price Rs. 2.50).
113.	IS : 4958-1968 Specification for phosphamidon, technical.	..	This standard prescribes the requirements and the method of test for phosphamidon, technical (Price Rs. 4.00).
114.	IS : 4960-1968 Specification for universal and elongated type-blocks.	..	This standard covers the requirements for universal type of V-blocks of sizes 100, 160, 200 and 300 mm (work piece size range from 8 to 300 mm and elongated type V-blocks of sizes 40, 50, 63 and 100 mm (work piece size range from 5 to 100 mm). It also applies to either single-V blocks or matched pairs of the same accuracy (Price Rs. 3.50).
115.	IS : 4962-1968 Specification for wooden side sliding doors.	..	This standard lays down requirements regarding material, type shape, fabrication, assembly and finish of wooden side sliding doors (of the straight sliding type), its gear components and fittings (Price Rs. 3.50).
116.	IS : 4967-1968 Recommendations for seismic instrumentation for river valley projects.	..	This standard covers recommendations for (a) instrumentation for investigation of seismicity, (b) study of micro-tremors and predominant period of a dam site and (c) permanent installation of instruments in the dam and appurtenant structures and in the surrounding areas. (Price Rs. 3.50).
117.	IS : 4968 (Part I) - 1968 Method for subsurface sounding for soils. Part I dynamic method using 50 mm cone without bentonite slurry.	..	This standard covers the procedure of determining the resistance of different soil strata to dynamic penetration of a 50-mm cone and thereby obtaining an indication regarding their relative strengths or density or both. The method helps reconnaissance survey of wide areas in a shorter time which will enable selective in situ testing or sampling for typical profile. It can provide useful data for local conditions where reliable correlations have been established (Price Rs. 2.00)

1	2	3	4
118.	IS : 4978-1968 Specification for forceps, eye, fixation (toothed).	..	This standard lays down the requirements for toothed fixation forceps, used in eye surgery (Price Rs. 3.50).
119.	IS : 4981-1968 Specification for guide pins for foundry pattern plates.	..	This standard covers the requirements for guide pins for pattern plates in a foundry (Price Rs. 2.00).

These Indian Standards are available for sale with the Indian Standards Institution, Manek Bhawan-9, Bahadur Shahzadar Marg, New Delhi and also its branch office at (i) 534 Sardar Vallabha Patel Road, Bombay-7 (ii) Chowringhee Approach Road, Calcutta-13 (iii) 54 General Patters Road, Madras-2 (iv) 117/418 B, Suryodaya Nagar, Kanpur and (v) 5-9-201/2, Chirag Ali Lane, Hyderabad-1.

[No. CMD 13:2.]

S. O. 1456.—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that amendment(s) to the Indian Standard(s) given in the schedule hereto annexed have been issued under the powers conferred by the sub-regulation (1) of Regulation 3 of the said Regulations.

THE SCHEDULE

Serial No.	No. and title of the Indian Standard amended	No. and Date of Gazette Notification in which the establishment of the Indian Standard was notified	No. and Date of the Amendment	Brief particulars of the Amendment	Date from which the amendment shall have effect
1	2	3	4	5	6
1	IS : 10-1964 Specification for plywood tea-chests (<i>second revision</i>)	S.O. 229 dated 16 January 1965	No. 2 March 1969	A new size '40x60x60 cm' has been included and Table I amended accordingly	1 March 1969
2	IS : 1137-1959 Specification for thickness of sheet and diameters of wire	S.O. 880 dated 9 April 1960	No. 1 March 1969	A new clause 0.3.1 has been added	1 March 1969
3	IS : 1995-1962 Specification for overall internal heights for lathe tool posts	S.O. 1267 dated 28th April 1962	No. 1 February 1969	(Page 4, Table I, third row under a 1) substitute '5' for '6'	1 February 1969
4	IS : 2084-1962 Code for designation of pig iron	S.O. 2838 dated 15th September 1962	No. 1 March 1969	(i) Clauses 4.2 & 4.3 have been substituted by a new one. (ii) Clause 6.1 has been substituted by a new one, and (iii) Clause 8.1 has been amended.	1 March 1969
5	IS : 3588-1966 Specification for electric axial flow fans.	S.O. 241 dated 21 January 1967	No. 2 February 1969	(i) Clauses 2.30, 2.40, 2.41, 2.42, 13.2.4 (c) and Appendix C have been substituted by new ones. (ii) Clause 14.1 has been amended. (iii) A new clause 8.7 and new matter in clauses 1.1, 13.1 and 13.12.1 have been added.	1 March 1969

Copies of these amendments are available with the Indian Standards Institution, 'Manak Bhavan' 6 Bahadur Shah Zafar Marg, New Delhi-1 and also its branch offices at (i) 534 Sardar Ballabhbhai Patel Road, Bombay-7, (ii) 5 Chowringhee Approach, Calcutta-13 (ii) 54 General Patters Road, Madras-2 (ii) 117/418-B, Sarvodaya Nagar, Kanpur, and (v) 5-9-201 12 Chirag Ali Lane, Hyderabad.

[No. CMD 13:5.]
DR. A. K. GUPTA,
Deputy Director General.

MINISTRY OF HEALTH, FAMILY PLANNING AND WORKS, HOUSING AND URBAN DEVELOPMENT**(Department of Health)***New Delhi, the 8th April 1969*

S.O. 1457.—In pursuance of clause (d) of rule 2 of the Indian Medical Council Rules, 1957, the Central Government hereby appoints Dr. J. V. Gaikwad, Registrar, Mahakoshal Medical Council, Indore, as 'Returning Officer' for the Conduct of election of a member to the Medical Council of India under clause (c) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) in the State of Madhya Pradesh.

[No. F.4-29/68-MPT.]

K. DEO, Under Secy.

(Department of Health)*New Delhi, the 10th April 1969*

S.O. 1458.—The following draft of certain rules further to amend the Drugs and Cosmetics Rules, 1945, which the Central Government proposes to make, after consultation with the Drugs Technical Advisory Board, in exercise of the powers conferred by sections 12 and 33 of the Drugs and Cosmetics Act, 1940 (23 of 1940), is published, as required by the said sections for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 25th June, 1969.

2. Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

Draft Rules

1. These rules may be called the Drugs and Cosmetics (Amendment) Rules, 1969.

2. In the Drugs and Cosmetics Rules, 1945, for rule 50, the following rule shall be substituted, namely :—

"50(1) All Inspectors appointed by the Central Government shall be under the control of an officer appointed in this behalf by the Central Government.

(2) All Inspectors appointed by the State Government shall be under the control of an officer appointed in this behalf by the State Government.

(3) For the purposes of these rules an officer appointed by the Central Government under sub-rule (1), or an officer appointed by the State Government under sub-rule (2), shall be a controlling authority."

[No. F.1-53/68-D.]

L. K. MURTHY, Under Secy.

MINISTRY OF FOREIGN TRADE AND SUPPLY

(Department of Foreign Trade)

New Delhi, the 7th April 1969

S.O. 1459—In pursuance of rule 6 of the Export of Coir Products (Inspection) Rules, 1965 and in supersession of the Government of India in the Ministry of Foreign Trade and Supply Notification No. S.O. 3921, dated the 16th December, 1965, the Central Government hereby appoints the persons mentioned in column (2) of the table annexed to this notification as the panel of experts for the purpose of hearing appeals under the said rules against the decision of the Export Inspection Agency, mentioned in the corresponding entry in column (1) thereof:

Provided that where a member of any of the said panels is personally interested in the subject-matter of any appeal, he shall not take part in the proceedings relating to that appeal.

2. The quorum of the panel shall be three.

THE TABLE

Authority against whose decision appeal lies	Persons constituting the panel of experts to which appeal lies
--	--

(1)	(2)
1. Export Inspection Agency, Bombay	<p>1. Principal, Victoria Jubilee Technical Institute, College Street, Matunga, Bombay-19. Ex-officio Chairman</p> <p>2. Chief Inspecting Officer, Textiles Committee, 79, Dr. Annie Besant Road, Worli, Bombay-18. Ex-officio</p> <p>3. Director, Small Industries Service Institute, Saki Naka, Kurla, Andheri Road, Bombay-70. Ex-officio</p> <p>4. Manager, Coir Board, Show Room and Sales Department, 5, Stadium House, Church Gate, Bombay-1. Ex-officio</p> <p>5. Joint Director, Export Inspection Council, 'Mani Mahal' (2nd floor), 11/21, Mathew Road, Bombay-4. Ex-officio Convener</p>
2. Export Inspection Agency, Calcutta.	<p>1. Manager, Ganges Rope Co. Ltd., 2, Fairlie Place, Calcutta-1. Ex-officio Chairman</p> <p>2. Manager, Coir Board, Show Room and Sales Department, 22, Loudon Street, Calcutta-16. Ex-officio</p> <p>3. Director, Small Industries Service Institute, 111/112, B.T. Road, Calcutta-35. Ex-officio</p> <p>4. Chief Inspector and Head of the Quality Control and Inspection Division, Indian Jute Industries Research Association, 17, Taratolla Road, Calcutta-53. Ex-officio</p> <p>5. Director, National Test House, 11/1, Judge's Court Road, Alipore, Calcutta-27. Ex-officio</p> <p>6. Director of Industries, Office of the Director of Industries, Govt. of West Bengal, New Secretariat Buildings (9th floor), Calcutta-1. Ex-officio</p>

(1)	(2)	
		7. Deputy Director (Textiles) Export Inspection Council, 'World Trade Centre' (7th floor), 14/1B, Ezra Street, Calcutta-1. Ex-officio Convener
3. Export Inspection Agency, Cochin .	1. Chairman, Coir Board, P.B. No. 1752, Ernakulam South, Cochin-16. Ex-officio Chairman	
	2. President, Travancore Coir Mats and Matting Manufacturers' Association, Alleppey. Ex-officio	
	3. President, Associated Cottage Industries and Shippers' Union Ltd., Shertallay. Ex-officio	
	4. Director, Central Coir Research Institute, Kalavoor. Ex-officio	
	5. Secretary, Coir Board, P.B. No. 1752, Ernakulam South, Cochin-16. Ex-officio	
	6. Superintendent, National Coir Training and Design Centre, Alleppey. Ex-officio	
	7. Manager, Export Inspection Agency, Cochin, 'Manohar Building', Mahatma Gandhi Road, Ernakulam, Cochin-11. Ex-officio Convener	
4. Export Inspection Agency, Delhi .	1. Professor and Head of the Textile Technology Department, Indian Institute of Technology, Hauz Khas, New Delhi-29. Ex-officio Chairman	
	2. Director, Small Industries Service Institute, Industrial Estate, Okhla, New Delhi-20. Ex-officio	
	3. Manager, Coir Board, Show Room and Sales Department, 16A, Asaf Ali Road, New Delhi. Ex-officio	
	4. Director of Handicrafts, All India Handicrafts Board, West Block No. 7 R.K. Puram, New Delhi-22. Ex-officio	
	5. Deputy Director, Export Inspection Agency, Delhi, 6B/9, Northern Extn. Area, Rajinder Nagar, New Delhi-5. Ex-officio Convener	
5. Export Inspection Agency, Madras	1. Principal, A.C. College of Textile Technology, Guindy, Madras-25. Ex-officio Chairman	
	2. Director, Small Industries Service Institute, 65/5, Grand Southern Trunk Road, Madras-32. Ex-officio	
	3. Manager, Coir Board, Show Room and Sales Department, 1-155, Mount Road, Madras-2. Ex-officio	
	4. Joint Director, (Industrial Co-operatives & Handicrafts), Deptt. of Industries & Commerce, Government of Madras, Chepauk, Madras-5. Ex-officio	
	5. Manager, Export Inspection Agency, Madras, 'World Trade Centre' 123, Mount Road, Madras-6. Ex-officio Convener	

S.O. 1460.—In pursuance of rule 8 of the Export of Coir Yarn (Inspection) Rules, 1966 and, in supersession of the Ministry of Foreign Trade and Supply Notification No. S.O. 2845 dated the 23rd September, 1966, the Central Government hereby appoints the persons mentioned in column (2) of the table annexed to this notification as the panel of experts for the purpose of hearing appeals under the said rules against the decision of the Export Inspection Agency mentioned in the corresponding entry in column (1) thereof :

Provided that where a member of any of the said panels is personally interested in the subject matter of any appeal, he shall not take part in the proceedings relating to that appeal.

2. The quorum of the panel shall be three.

THE TABLE

Authority against whose decision appeal lies	Persons constituting the panel of experts to which appeal lies.
(1)	(2)
1. Export Inspection Agency, Bombay.	<p>1. Principal, Victoria Jubilee Technical Institute, College Street, Matunga, Bombay-19. Ex-officio Chairman</p> <p>2. Chief Inspecting Officer, Textiles Committee, 79, Dr. Annie Besant Road, Worli, Bombay-18. Ex-officio</p> <p>3. Director, Small Industries Service Institute, Saki Naka, Kurla, Andheri Road, Bombay-70. Ex-officio</p> <p>4. Manager, Coir Board Show Room and Sales Department, 5, Stadium House, Church Gate, Bombay-1. Ex-officio</p> <p>5. Joint Director, Export Inspection Council, 'Mani' Mahal, (2nd floor), 11/21, Mathew Road, Bombay-4. Ex-officio Convener</p>
2. Export Inspection Agency, Calcutta	<p>1. Manager, Ganges Rope Co., Ltd., 2, Fairlie Place, Calcutta-1. Ex-officio Chairman</p> <p>2. Manager, Coir Board, Show Room and Sales Department, 22, Loudon Street, Calcutta-16. Ex-officio</p> <p>3. Director, Small Industries Service Institute, 111/112, B.T. Road, Calcutta-35. Ex-officio</p> <p>4. Chief Inspector and Head of the Quality Control and Inspection Division Indian Jute Industries Research Association, 17, Taratolla Road, Calcutta-53. Ex-officio</p> <p>5. Director, National Test House, 11/1, Judge's Court Road, Alipore, Calcutta-27. Ex-officio</p> <p>6. Director of Industries, Office of the Director of Industries, Govt. of West Bengal, New Secretariat Buildings, (9th floor), Calcutta-1. Ex-officio</p> <p>7. Deputy Director (Textiles), Export Inspection Council, 'World Trade Centre' (7th floor 14/1, B Ezra Street, Calcutta-1. Ex-officio Convener</p>
3. Export Inspection Agency, Cochin .	<p>1. Chairman, Coir Board, F.B. No. 1752, Ernakulam South, Cochin-16. Ex-officio Chairman</p> <p>2. Superintendent, National Coir Training and Design Centre, Alleppey. Ex-officio</p>

(1)

(2)

-
- | | | |
|--------------------------------------|---|------------|
| | 3. The President, The Associated Cottage Industries and Shippers' Union, Shertallay. | Ex-officio |
| | 4. The President, The Alleppey Central Coir Marketing Co-operative Society Ltd., P.O. Box No. 150, Alleppey. | Ex-officio |
| | 5. The President, Kerala Balers' and Exporters' Association, Alleppey. | Ex-officio |
| | 6. The Chairman, The Coir Yarn Balers' Association, C/o The Kerala Balers' Ltd., P.O. Box No. 23, Alleppey. | Ex-officio |
| | 7. Manager, Coir Yarn Deptt. M/s. Pierce Leslie India Pvt. Ltd., Bristow Road, Wellington Islands, Cochin-3. | Ex-officio |
| | 8. The President, Cochin Coir Merchants' Association, Cochin-2. | Ex-officio |
| | 9. Manager, M/s. Patel Volkart Ltd., Calicut. | Ex-officio |
| | 10. Manager, Export Inspection Agency-Cochin, 'Manohar Building', Mahatma Gandhi Road, Ernakulam, Cochin-11. | Ex-officio |
| | | Convener |
| 4. Export Inspection Agency, Delhi | 1. Professor and Head of Textile Technology Department, Indian Institute of Technology, Hauz Khas, New Delhi-29. | Ex-officio |
| | | Chairman |
| | 2. Director, Small Industries Service Institute, Industrial Estate, Okhla, New Delhi 20. | Ex-officio |
| | 3. Manager, Coir Board, Show Room and Sales Department, 16A, Asaf Ali Road, New Delhi. | Ex-officio |
| | 4. Director of Handicrafts, All India Handicrafts Board, West Block No. 7, R.K. Puram, New Delhi-22. | Ex-officio |
| | 5. Deputy Director, Export Inspection Agency Delhi, 6B/9, Northern Extn., Area, Rajinder Nagar, New Delhi-5. | Ex-officio |
| | | Convener |
| 5. Export Inspection Agency, Madras. | 1. Principal, A. C. College of Textile Technology, Guindy, Madras-25. | Ex-officio |
| | | Chairman |
| | 2. Director, Small Industries Service Institute, 65/3, Grand Southern Trunk Road, Madras-32. | Ex-officio |
| | 3. Manager, Coir Board, Show Room and Sales Department, 1-155, Mount Road, Madras-2. | Ex-officio |
| | 4. Joint Director, (Industrial Co-operatives and Handicrafts), Department of Industries and Commerce, Govt. of Madras, Chepauk, Madras-5. | Ex-officio |
| | 5. Manager, Export Inspection Agency-Madras, 'World Trade Centre' 123, Mount Road, Madras-6. | Ex-officio |
| | | Convener |
-

[No. F. 20(17)/Exp. Insp./67.]

M. K. B. BHATNAGAR,
Deputy Director (Export Promotion).

MINISTRY OF PETROLEUM & CHEMICALS & MINES & METALS

(Department of Petroleum)

New Delhi, the 31st March 1969

S.O. 1461.—Whereas by a notification of the Government of India in the Ministry of Petroleum & Chemicals S.O. No. 404 dated 17th January, 1969 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire that Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines.

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act submitted report to the Government;

And whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, whereas, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

SCHEDULE

(Laying Pipeline from Well No. K-80 to G.G.S. II)

Satte- Gujarat		Distt. Mehsana		Taluka: Kalol	
Village	S. No.	Hectare	Are	P. Acre	
Sartha	1215	0	10	25	

[No. 20/3/67-IOC/Lab.]

New Delhi, the 10th April 1969

S.O. 1462.—Whereas by a notification of the Government of India in the Ministry of Petroleum & Chemicals S. O. No. 729 dated 6th February, 1969 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire that Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines.

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, whereas, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

SCHEDULE

(Laying Pipeline from BU-10, ND-4 to G.G.S. II)

State : Guajrat

Distt. Kaira

Taluka : Matar

Village	Survey No.	Hectare	Are.	P. Are.
Kathawada	697	0	10	12
„	682	0	14	16
„	684	0	7	98
„	677	0	6	53
„	685	0	6	71
„	686	0	5	76
„	V.P. Road	0	0	75
„	407	0	2	59
„	405	0	13	04
„	388	0	2	77
„	387	0	7	08
„	379	0	2	11
„	380	0	5	27
„	381/2	0	5	06
„	381/1	0	0	23
„	382/P	0	4	46
„	372/1	0	0	55
„	372/3	0	0	35
„	372/2	0	5	43
„	371/3	0	0	33
„	370/1	0	4	74
„	136	0	8	09
„	144/2	0	9	43
„	148	0	5	93
„	147/3	0	3	35

[No. 29/7/68-IOC/LAB(1).]

S.O. 1463.—Whereas by a notification of the Government of India in the Ministry of Petroleum & Chemicals S.O. No. 724 dated 6th February, 1969 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire that Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines.

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification,

Now, whereas, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs

that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this Declaration in the Oil & Natural Gas Commission free from all encumbrances.

SCHEDULE

(Laying Pipeline from 19, 20, & 21 to G.G.S. II)

State : Gujarat		Distt. : Kaira	Taluka : Matar		
Village	Survey No.	Hectare	Acre.	P. Acre.	
Kathwada	Road/190/2P	0	0	55	
"	190/2	0	2	75	
"	165/2	0	18	14	
"	165/1	0	8	09	

[No. 29/7/68-IOC/LAB(2).]

S.O. 1464.—Whereas by a notification of the Government of India in the Ministry of Petroleum & Chemicals S.O. No. 725 dated 6th February, 1969 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines.

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, whereas, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

SCHEDULE

(Laying Pipeline from BR to BDE 29 to G.G.S. II)

State : Gujarat		Distt. : Kaira	Taluka : Matar		
Village	Survey No.	Hectare	Acre.	P. Acre.	
Karhawada	292/3	0	8	53	
"	V. P. Road	0	1	41	
"	247/1	0	5	0	
"	248/3	0	5	06	
"	250	0	2	56	
"	253	0	10	66	
"	255/2	0	5	79	
"	256	0	6	43	
"	258	0	15	39	
"	170	0	5	86	
"	169	0	5	46	
"	168/1	0	1	23	
"	144/6	0	0	10	
"	145/2	0	1	11	
"	145/1	0	3	24	
"	146	0	4	05	
"	147/2	0	1	81	
"	147/3	0	1	57	

[No. 29/7/68-IOC/LAB(3).]

S.O. 1465.—Whereas by a notification of the Government of India in the Ministry of Petroleum & Chemicals S.O. No. 726 dated 6th February, 1969 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines,

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification,

Now, whereas, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

SCHEDULE

(Laying Pipeline from R. 4 to G.G.S II)

State: Gujarat

Distt. : Kaira

Taluka : Matar

Village	Survey No.	Hectare	Are.	P. Are.
Kathwada	133	0	12	19
„	134	0	9	44
„	135	0	6	65
„	150	0	7	08
„	144/1	0	0	86
„	148	0	1	92
„	149/1	0	3	39
„	149/2	0	3	42
„	147/3	0	2	70

[No. 29/7/68-IOC/LAB(4).]

S.O. 1466.—Whereas by a notification of the Government of India in the Ministry of Petroleum & Chemicals S.O. No. 727 dated 6th February, 1969 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines.

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification,

Now, whereas, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

SCHEDULE

(Laying Pipeline from 39 BQ to G.G.S. II)

State : Gujarat

Distr. : Kaira

Taluka : Matar

Village	Survey No.	Hectare	Acre.	P. Acre.
Kathawada	120	0	0	92
"	121	0	1	31
"	119	0	13	48
"	118	0	1	13
"	123	0	7	24
"	159	0	12	26
"	156	0	18	47
"	157/2	0	13	83
"	156	0	19	50
"	166	0	4	60
"	165/1	0	1	41
"	167	0	19	50

[No.29/7/68-IOC/LAB(5).]

S.O. 1467.—Whereas by a notification of the Government of India in the Ministry of Petroleum & Chemicals S.O. No. 728 dated 6th February, 1969 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, whereas, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

SCHEDULE

(Laying Pipeline from BC-15 & DBDF-38 to G.G.S. II)

State : Gujarat

Distr. : Kaira

Taluka : Matar

Village	Survey No.	Hectare	Acre.	P. Acre.
Kathawada	152/2	0	19	98
	127	0	7	58
	151/1	0	12	79
	151/2	0	4	05
	152/1	0	1	91

[No. 29/7/68-IOC/LAB.(6).]

S.O. 1468.—Whereas by a notification of the Government of India in the Ministry of Petroleum & Chemicals S.O. No. 407 dated 17th January, 1969 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines.

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, whereas, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

SCHEDULE

(Laying Collector Pipeline from G.G.S. I to C.T.F.)

State : Gujarat	Distt. : Kaira	Taluka : Matar		
Village	Survey No.	Hectare	Ac.	P. Ac.
Nawagam	863	0	25	89
	859/2	0	0	62
	V.P. Road	0	2	51
	161	0	0	55
	162/3	0	7	61
	163/A/5	0	1	49
	157	0	1	76
	154	0	11	04
	155	0	13	32
	186	0	4	26
	1000	0	15	99
	999/2	0	0	87
	998/4	0	3	04
	998/1	0	0	40
	998/5	0	1	27
	998/3	0	9	14
	998/2	0	7	48
	995/2	0	0	78
	996	0	7	42
	993	0	0	44
	992/1	0	6	09
	992/2	0	9	90
	986	0	1	20
	989	9	9	56
	988	0	3	52
	970/1	0	17	42
	971/2	0	3	81
	971/1	0	0	36
	974	0	13	15
	973	0	20	93
	963	0	0	60
	962	0	9	42
	957/2	0	0	75
	964	0	9	41
	956	0	3	62
	955	0	9	81

Village	Survey No.	Hectare	Acre	P. Arc.
Nawagam—contd.	954	0	16	03
	880	0	24	38
	879	0	25	64
	872	0	14	91
	871	0	17	52
	V.P. Road	0	2	66
	870	0	6	09
	869	0	5	41
Kathawada	456	0	9	66
	457	0	2	18
	458	0	8	91
	455/P	0	6	97
	305/1	0	6	07
	455/P	0	13	58
	305/2	0	6	85
	305/4	0	10	29
	304/1	0	0	55
	304/2	0	7	43

[No. 20/7/68-IOC/LAB(7).]

S.O. 1469.—Whereas by a notification of the Government of India in the Ministry of Petroleum & Chemicals S.O. No. 723 dated 6th February, 1969 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines.

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, whereas in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

SCHEDULE

(Laying Pipeline from BAF-14 to G.G.S. II)

STATE : Gujarat		DIST : Kaira		TALUKA : Matar	
Village	Survey No.	Hectare	Acre.	P. Arc.	
Kathawada	271/1	0	2	80	
"	271/2	0	0	27	
"	275	0	0	23	
"	268/2	0	3	34	
"	267/2	0	1	76	
"	267/1	0	4	31	
"	266/P	0	5	79	
"	351/4	0	3	34	
"	260	0	3	12	
"	143	0	19	68	
"	144/6	0	0	50	
"	138/3	0	0	14	
"	144/5	0	5	57	
"	146	0	0	60	
"	147/2	0	1	36	
"	147/1	0	1	42	
"	147/3	0	3	04	

[No. 29/7/68-IOC/LAB(8).]

S.O. 1470.—Whereas by a notification of the Government of India in the Ministry of Petroleum & Chemicals S.O. No. 405 dated 17th January, 1969 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines.

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, whereas, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

SCHEDULE

(Laying Pipeline from G.G.S. No. 2 to Junction Point near turning point K. 2)

STATE : Gujarat		DISTT. Kaira		TALUKA : Matar	
Village	Survey No.	Hectara	Acre	P. Acre.	
Kathawada	146	0	4	19	
	145/3	0	4	22	
	145/1	0	0	92	
	168/2	0	8	37	
	168/1	0	11	04	
	170	0	0	45	
	169	0	14	86	
	258	0	15	24	
	259	0	9	52	
	262/4	0	0	36	
	262/2	0	0	45	
	257/2	0	2	92	
	262/3	0	2	32	
	263/3	0	3	49	
	263/1	0	3	30	
	263/2	0	4	27	
	264/1	0	1	75	
	268/3	0	21	63	
	269/1	0	10	48	
	269/2	0	12	23	
	269/3	0	6	74	
	270	0	3	04	
	V.P. Road	0	4	57	
	289	0	7	79	
	288/3	0	0	41	
	290	0	10	12	
	294/2	0	4	41	
	294/3	0	3	81	
	295/1	0	11	43	
	295/2	0	9	76	
	300/6	0	6	62	
	300/7	0	0	75	
	300/5	0	27	40	
	308/5	0	12	94	
	308/4	0	13	15	

Village	Survey No.	Hectare	Ac.	P. Ac.
Kathawada—contd.	306/1	0	0	83
	306/2	0	1	63
	306/3	0	4	46
	Road	0	7	24
	305/2	0	3	62
	305/1	0	3	85

[No. 29/7/63-IOC/LAB(9).]

R. K. SINHA, Under Secy.

(Department of Chemicals)

New Delhi, the 5th April 1969

S.O. 1471.—In exercise of the powers conferred by sub-section (1) of section 19 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby authorises each of the officers of the Government of Andhra Pradesh specified in the Schedule below to exercise the powers specified in clauses (a), (b) and (c) of the said section in so far as they relate to the industry specified in sub-item (1) of item 26 of the First Schedule to the said Act.

SCHEDULE

1. Excise Commissioner.
2. Deputy Commissioners of Excise.
3. Collectors and District Revenue Officers.
4. Excise Superintendents and District Prohibition Officers.
5. Assistant Excise Superintendents and Superintendent for Distilleries.
6. Circle Inspectors and Assistant Prohibition Officers.

[No. 4/2/68-Ch.1.]

R. S. GOPALAN, Under Secy.

पेट्रोलियम तथा रसायन और खान तथा धातु मंत्रालय

(रसायन विभाग)

नई दिल्ली, 5 अप्रैल, 1969

एस० ओ० 1472.—इण्डस्ट्रीज (डिवैल्पमेन्ट और रेग्यूलेशन) ऐक्ट 1951 (1951 का 65) की धारा 19 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार आन्ध्र प्रदेश सरकार के निम्न सूची में निर्दिष्ट प्रत्येक अफसर को उक्त धारा के (क), (ख) और (ग) खण्डों में निर्दिष्ट शक्तियों का जहां तक वे उक्त अधिनियम की प्रथम सूची के मद संख्या 26 के उप-मद (1) में लिखित उद्योग से सम्बन्धित हैं, प्रयोग करने का अधिकार देती है।

सूची

1. उत्पादन शुल्क आयुक्त।
2. उत्पादन शुल्क उप-आयुक्त।
3. कलक्टर तथा जिला राजस्व अधिकारी।
4. उत्पादन शुल्क अधीक्षक तथा जिला मद्य निषेधाधिकारी।
5. उत्पादन शुल्क सहायक अधीक्षक तथा मद्यशालाओं के अधीक्षक।
6. इलाका निरीक्षक तथा सहायक मद्य निषेधाधिकारी।

[संख्या 4/2/68—केमिकल्स.]

आर० एस० गोपालन, अवर सचिव

(Department of Mines and Metals)

New Delhi, the 15th April 1969

S.O. 1473.—Whereas by the notification of the Government of India in the late Ministry of Steel, Mines and Metals (Department of Mines and Metals) S.O. No. 1570 dated the 24th April, 1967, under sub-section (i) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to prospect for coal in lands measuring 4000 acres (approximately) or 1620 hectares (approximately) in the localities specified in the Schedule appended to that notification and reproduced in the Schedule appended hereto;

And whereas in respect of the said lands no notice under sub-section (1) of section 7 of the said Act has been given;

Now, therefore, in exercise of the powers conferred by the said sub-section (1) of section 7 of the said Act, the Central Government hereby specifies a further period of one year commencing from the 24th April, 1969, as the period within which the Central Government may give notice of its intention to acquire the whole or any part of the said lands or of any rights in or over such lands.

SCHEDULE

GOGRI BLOCK

Pathakhera Coalfield

[Drg. No. Rev./9/67.]

Dated 23-2-1967.

(Area notified for prospecting)

Sl. No.	P.C. No.	Village	Village No.	Distt. & Tehsil	Area	Remarks
1	25	Ghogari	183/1	Betul		Part
2	25	Pathakhera	424/1	Betul		Part
3	25	Bikrampur	496/1	Betul		Part
4	25	Mordongri	599/1	Betul		Part
5	26	Bakud	476/1	Betul		Part
6	..	Ranipur (Reserve Forest)	Reserve Forest	Betul		Part

Total area 4000.00 acres (approximately)
OR 1620.00 Hectares (approximately)

Boundary Description :

A-B.—Line passes through Ranipur R. F. i.e., along the eastern boundary of Pathakhera Block-II, notified U/s. 7(1) of the Coal Bearing Areas (Acquisition and Development) Act, 1957 vide S.O. No. 861 dated 14th March, 1966, and meets at point 'B'.

B-C-D-D/1.—Lines pass through Ranipur R. F. i.e., along the eastern boundary and part Southern boundary of Pathakhera Block A acquired U/s. 9(1) of the Coal Bearing Areas (Acquisition and Development) Act, 1957 vide S.O. No. 2760, dated 19th September, 1963, and meet at point D/1.

D/1-E.F.—Lines pass through Ranipur R. F. i.e., along the eastern and part southern boundary of Pathakhera Block-II notified U/s. 7(1) of the Coal Bearing Areas (Acquisition and Development) Act, 1957 vide S.O. No. 861 dated 14th March, 1966, and meet at point 'F'.

F-G-H.—Lines pass through Ranipur R.F. through villages Ghogari and Bikrampur, along the part Western boundary of village Bikrampur, through village Bakud and meet at point 'H'.

H-I-J.—Lines pass through villages Bakud, Mordongri, Pathakhera and Ranipur Reserve Forest and meet at point 'J'.

J-A.—Line passes along the part Southern boundary of Towa Nalla and meets at point 'A'.

[No. C2-22(1)/67.]

M. S. K. RAMASWAMI, Dy. Secy

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 7th April 1969

S.O. 1474.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Rana Colliery of Messrs Lodna Colliery Company (1920) Limited, Post Office Kalipahari, District Burdwan and their workmen, which was received by the Central Government on the 2nd April, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA.

REFERENCE No. 57 OF 1968

PARTIES :

Employers in relation to the Rana Colliery of Messrs Lodna Colliery Company (1920) Limited,

AND

Their workmen.

PRESENT :

Shri B. N. Banerjee.—Presiding Officer.

APPEARANCES :

On behalf of Employers : Shri D. Basu Thakur, Advocate.

On behalf of Workmen : Shri Sunil Mazumdar, General Secretary, Ningha Colliery Mazdoor Union.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/66/68-LRII, dated November 22, 1968, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred an industrial dispute between the employers in relation to the Rana Colliery of Messrs Lodna Colliery Company (1920) Limited and their workmen, to this tribunal, for adjudication, namely:

“Whether the management of Rana Colliery of Messrs Lodna Colliery Company (1920) Limited, Post Office Kalipahari, District Burdwan was justified in changing the designation of the following workmen as Depot Mazdoors?

1. Shri Jagarnath Dubey,
2. Shri Sakti Pada Mondal,
3. Shri Osman Mia,
4. Shri Chinta Thakur,
5. Shri Emaman Mia,
6. Shri Bhikam Eranuk,
7. Shri Rameswar Mahato,
8. Shri Hidadled Mia,
9. Shri Bhaba Paramanik,
10. Shri Budhan Bouri.

If not, to what relief are the workmen concerned entitled?”

2. The employer company and the workmen represented by Ningha Colliery Mazdoor Union filed their respective written statement. To-day, which was fixed as the date of hearing, the employer company and the union of workmen filed a joint petition of compromise settling the dispute and prayed for an award in terms of the petition of compromise.

3. Since the dispute has been settled, I make an award in terms of the settlement. Let the petition of compromise form part of this award.

Dated, March 27, 1969.

(Sd.) B. N. BANERJEE,
Presiding Officer.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
CALCUTTA.

REFERENCE No. 57 OF 1968.

In the matter of the Industrial dispute.

BETWEEN

The Employers in relation to Rana Colliery, P.O. Kalipahari, Dist. Burdwan.

AND

Their workmen represented by Ningah Colliery Mazdoor Union, Md. Hussain Street (Bengal Hotel, Top Floor), Asansol (Burdwan).

The humble petition of both the Company and the Union abovenamed most respectfully sheweth:—

1. That the above case is pending before this hon'ble Tribunal and both parties have filed their written statements.

2. That the parties have come to an amicable settlement on the following terms:—

(a) That all the workmen whose cases are before this hon'ble Tribunal by the above order of Reference will be given the designation of Shali picker with effect from 19th December, 1968.

(b) That the workmen covered under clause 2(a) shall have no claim of difference of Wages with retrospective effect.

It is submitted by both the parties that an award may be made in terms of the above settlement.

And for this act of kindness your petitioners as in duty bound shall everpray.

(Sd.) K. S. TEWARI,

For the Employer

Agent

Lodna Colliery Co., (1920) Ltd., Sripur Colliery.
Rana Colliery.

17-12-1968.

Witnesses:—

MOHAMMAD USMAN

L.T.I. of

Bhabatosh Paramanik

(Sd.) Illegible,

For the workmen.

General Secretary.

[No. 6/66/68-LRII.]

S.O. 1475.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the South Balanda Colliery of Messrs National Coal Development Corporation Limited, Talcher, Post Office Dera Colliery, District Dhenkanal (Orissa) and their workmen, which was received by the Central Government on the 1st April, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA.

REFERENCE No. 53 of 1968.

PARTIES :

Employers in relation to the South Balanda Colliery of Messrs National Coal Development Corporation Limited,

AND

Their workmen.

PRESENT :

Shri B. N. Banerjee.—Presiding Officer.

APPEARANCES :

On behalf of Employers.—Sri K. R. Sarad, Administrative Officer.

On behalf of Workmen.—Sri D. B. Mishra, General Secretary, N.C.D.C. Workers' Association, South Balanda.

STATE : Orissa.

INDUSTRY : Coal Mines.

AWARD

By Order No. 6/35/68-LRII, dated October 30, 1968, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following industrial dispute between the employers in relation to the South Balanda Colliery of Messrs National Coal Development Corporation Limited and their workmen, to this tribunal, for adjudication:

"Whether the termination of service of Shri Shyamlal Mahato, Category I. Mazdoor of South Balanda Colliery by the management of Messrs National Coal Development Corporation Limited, Talcher, during probationary period was unjustified? If so, to what relief is he entitled?"

2. A trade union of the name of N.C.D.C. Workers' Association espoused the cause of the workman Shyamlal Mahato and filed a written statement. In paragraph 1 of the written statement, it was stated that Shyamlal was employed as mazdoor, category I, on casual basis, in January, 1966, at South Balanda Colliery and was absorbed in the permanent establishment on September 12, 1967. In paragraph 2 of the written statement it was alleged:

"Shri Mahato was deputed to work in the house of Shri D. Nagalingam, Asstt. Engineer, Mech. South Balanda Colliery who subsequently came on transfer to the said Colliery, as a domestic servant where he (Shri Mahato) agreed to do all work except cleaning utensils. Thereafter, Shri Mahato was stopped from work without issue of any written order on 19th February, 1968."

The workman, Shyamlal Mahato, approached the trade union for redress of his grievance and in a letter to the trade union (Ext. 2) stated:

"***On 18th February, 1968, Sri Nagalingam asked me to wash the utensils and thalis which I did not do. So he abused me and told not to do any work in his quarter. Still then I was used to go to his quarter (?) on 19th February, 1968, to work there. Still then Sri Nagalingam refused not to work in his quarter. Then I had been to colliery Manager to put forth my grievances. He also told me to do the same job what Mr. Nagalingam told. I therefore request you to kindly intervene and see what I may be put for my job in proper place instead of working any household work."

The intervention by the labour union proved ineffective and this industrial dispute was raised.

3. In the written statement filed by the South Balanda Colliery of Messrs National Coal Development Corporation Limited, the case made on behalf of the workman is sought to be met in the following manner:

"2. ***that Shree Shyam Lal Mahato was at first attached to Shree A. K. Mitra, Asst. Engineer (Mechanics¹) as a *Mall-cum-Attendant*. His performance and service with Shree Mitra was reported to be "absolutely unsatisfactory."

3. That after the transfer of Shree Mitra, Shree Shyam Lal, the workman concerned was attached to Shree D. Nagalingam, Asst., Engineer (Mechanical). During the period of service of Shree Shyam Lal with Shree Nagalingam his services were most unsatisfactory and his behaviour rude. A report to that effect was made by Shri Nagalingam to the Dy. Chief Mining Engineer by his letter dated 19th February, 1968, requesting him to withdraw Shree Shyam Lal and to provide him with another attendant."

Later on, the workman Shyam Lal was placed to work under T. S. N. Murthy, also an Assistant Engineer, but the latter also requested the Deputy Chief Mining Engineer to arrange for another attendant in place of Shyam Lal, because he did not appear to be suitable. Since it was not possible to find out another officer to whom Shyam Lal could be attached and since it was not also possible to find out another job for him, "the management was compelled to issue a letter dated 2nd March, 1968, terminating his service with effect from 10th March, 1968, as per conditions of his service."

4. The conditions of service referred to above are to be found in Ext. 1, the letter of appointment issued to Shyam Lal Mahato on September 12, 1967. The material portion of which reads as follows:

"Subject to medical examination, you are hereby appointed as Mazdoor in Cat. I @ Rs. 1.06 per day basic plus dearness allowance as per Industrial Tribunal Award, Bonus, C.M.P.F. as admissible under rules, from the date of joining.

You will be on probation for a period of six months in the first during which period your services are liable to be terminated on seven days' notice without any cause assigned. On expiry of this period and on receipt of satisfactory reports, your retention for further period will be considered."

5. Shyam Lal Mahato himself deposed before this tribunal. In this examination-in-chief he said:

"I was posted to work as a cook in the bungalow of Nagalingam Sahib. Prior to that, I used to work at A. K. Mitra's house. He went away on transfer and then I was posted to work under Nagalingam Sahib. There were others to do domestic work in the bungalow. There was a maid-servant who used to wash the utensils. The maid-servant was not an employee under the colliery. I did not use to do any other work in the Bungalow of Nagalingam Sahib. Nagalingam Sahib asked me to wash utensils. I refused to wash utensils. Thereupon he stopped me from working in his bungalow. That was a few days earlier than the Holi festival day in the year 1966. Thereupon, I approached the Manager. He scolded me and told me that I must do all that I was told to do by Nagalingam Sahib. Still then I refused to do washing of utensils. At this stage, I complained to the trade union. The result was that I got a letter of termination of service."

Cross-examined by Mr. K. R. Sarad, Administrative Officer of the colliery, this witness said:

"When I received Ext. 1, I was working in the bungalow of Mitra Sahib. In the bungalow of Mitra Sahib I never used to wash utensils. I used only to cook his food. It was Mitra Sahib who caused my appointment under the colliery. About two months after Mitra Sahib was transferred, I was placed under Nagalingam Sahib. I worked under Nagalingam Sahib for a little over two months. I am mistaken, I worked for a little over three months. I did not obey the orders of the Manager because I did not wash utensils. I was never warned for unsatisfactory discharge of work. The Manager Sahib only told me that I shall have to work according to the directions of Nagalingam Sahib. After I was told by the Manager, I went back to work in the bungalow of Nagalingam Sahib; he told me that if I was not prepared to wash utensils I was not required in his bungalow."

On behalf of the colliery, Nagalingam himself deposed. In his examination in chief he said:

"Shyam Lal was sent to act as my attendant. ***The Corporation, under the rules, gave me only one attendant. The attendant is meant for carrying the official documents, to attend to Telephone calls and to do such

like duties. It is no part of his duty to do domestic work for me. I never called upon Shyamlal to do domestic work for me. I had a maid-servant who used to perform domestic work including washing for myself. Shyamlal served under me upto 3rd week of February, 1968. During the time that Shyamlal served under me, his services were unsatisfactory. His attendance was irregular, his work unsatisfactory, his talk rude and indecent. I made a complaint to the Manager against the conduct of Shyamlal. (Shown complaint dated February 19, 1968). This is the complaint that I made against Shyamlal to the Deputy Chief Mining Engineer of South Balanda Colliery (marked Ext. A)."

To questions put by the Tribunal, he further said:

"I never asked Shyamlal to wash my domestic utensils. I did not do that even at the time when my maid-servant was temporarily absent. I never utilised Shyamlal in cooking food for me. My wife cooks all the food in my family."

Ext. A referred to by this witness in his examination in chief reads:

"During this period, you have been informed by me, verbally on several occasions that his irregularity in his duties and about his misbehaving with me. He was not keeping his timings and goes away from duty at his will and pleasure (i.e. without proper information and permission). Secondly, his way of talking and replying to me was indecent and rude.

Though, I have been assured by you whenever I have approached with this specific complaint that he would change his behaviour by your persuasion, his behaviour and upkeeing of his timings, on the contrary, became worse than before.

Therefore I am lodging a formal complaint to you for your immediate and necessary action. Further, I request you to withdraw Sri Shyamlal immediately and provide me another attendant."

6. This is in substance the evidence on which I need decide this dispute.

7. Now, an employee appointed on probation continues as a probationer even after the expiry of the period of probation, if his services have not been terminated or if he has not been confirmed. The appointment of an employee on probation for a certain specific period does not empower the employers, without more, to terminate his services, before the expiry of such period, except on ground of misconduct or other sufficient reason. During the period of probation, however, in the absence of misconduct, the service of a probationer may be terminated in accordance with the terms of appointment or rules of service.

8. The right of an employer to terminate the service of a probationer during the probationary period, without notice or without assigning any reason in terms of the contract of the service, is now well recognised. But, if a probationer has to be dismissed for misconduct the ordinary procedure must be followed, that is to say, he must be served with a chargesheet, there must be an enquiry into his misconduct and he must be given proper opportunity to defend himself.

9. In the instant case, it does not appear that the workman was ever made permanent. The appointment on probation for six months was made on September 12, 1967 and the order of termination was made on March 2, 1968, that is to say, within the period of six months. The terms of service, which I have already set out, provide that the service will be liable to be terminated on 7 days notice without any cause assigned.

10. Turning now to Ext. 5, the letter of termination of service, dated March 2, 1968, I find that the letter contains the following statement:

"You are appointed for a period of six months in the first instant during which period your services are liable to be terminated on seven days notice without any cause assigned. Since during this probation period your performance has been found to be very unsatisfactory, your services are hereby terminated with effect from 10th March 1968. This may be treated as the prior notice as required."

That the period of notice was sufficient was not disputed before me. What was contended before me by Mr. D. B. Mishra, on behalf of the workman, was that the workman was dismissed for blameworthiness and a reason was assigned for

termination of service. He contended that this was as bad as dismissal for misconduct and this required initiation of a disciplinary action and passing of a dismissal order with proper opportunity to the workman. Since this was not done, it was contended, the order of termination of service must be set aside. In support of this contention, strong reliance was placed by Mr. Mishra on judgment of the High Court of Judicature, Jammu and Kashmir in the *Central Bank of India V. State of Jammu and Kashmir* (1968) II LLJ 646, in which their lordships held that if the industrial court was satisfied that the order was punitive, that it was *malafide* or bad, amounted to victimisation or unfair labour practice, it was competent to set aside the order and direct reinstatement. Therefore, the question that remains for my decision is whether the termination of service of the workman, in the instant case, was made as a punitive measure. I have already referred to the complaint that was made against the workman by Mr. Nagalingam. It does not appear that the management proceeded wholly on that basis. All that the management said against the workman was that his services were found to be "very unsatisfactory". To do so was not to impute misconduct and to find the workman guilty of misconduct. I am not, therefore, prepared to hold that the termination of service in the instant case, was done as a measure of discipline or as a punishment for misconduct.

11. That being the position, I hold that the termination of service of Shri Shyam Lal Mahato, Category No. I Mazdoor of South Balanda Colliery by the management of Messrs National Coal Development Corporation Limited, during probationary period was not unjustified. As such the workman is not entitled to any relief.

This is my award.

Dated, March 27, 1969.

(Sd.) B. N. BANERJEE,
Presiding Officer.
[No. 6/35/68-LR. II.]

ORDERS

New Delhi, the 9th April 1969

S.O. 1476.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Patmohana Colliery, Post Office Sitarampur, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Patmohana Colliery, Post Office Sitarampur, District Burdwan was justified in stopping Shri Ramprem Rajbhar, Miner, from work with effect from the 17th October, 1968? If not, to what relief is the workman entitled?

[No. 6/5/69-LR.II.]

S.O. 1477.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Benabe Colliery, Post Office Nandi, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central

Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

"Whether the management of the Benalec Colliery, Post Office Nandi, District Burdwan was justified in terminating the services of Shri Sita Ram Tripathi, Pit Munshi with effect from the 12th October, 1968? If not, to what relief is the workman entitled?"

[No. 6/1/69-LRII.]

S.O. 1478.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Prasonno Dutta Kajora Colliery, Post Office Kajoragram, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed:

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 16 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Prasonna Dutta Kajora Colliery, Post Office Kajoragram, District Burdwan was justified in not paying sick wages from the 2nd September, 1968 to the 10th September, 1968 to Shri Gama Kahar, Pick Miner and stopping him from work with effect from the 11th September, 1968? If not, to what relief is the workman entitled?

[No. 6/127/68-LRII.]

BALWANT SINGH, Under Secy.

(Department of Labour and Employment)

New Delhi, the 7th April 1969

S.O. 1479.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to Bombay Port Trust, Bombay and their workmen, which was received by the Central Government on the 31st March, 1969.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2
BOMBAY**

REFERENCE NO. CGIT-2/17 OF 1968

Employers in relation to the Bombay Port Trust

AND

Their Workmen

PRESENT:

Shri N. K. Vant—*Presiding Officer.*

APPEARANCES:

For the Bombay Port Trust, Bombay—Shri R. K. Shetty, Deputy Legal Adviser, Bombay Port Trust.

For the Bombay Port Trust, Employees' Union, Bombay—Shri V. K. Tembe, Advocate with Shri S. K. Shetye, General Secretary.

STATE: Maharashtra

INDUSTRY: Major Ports.

Bombay, dated the 10th March, 1969

AWARD

By order No. 28/87/66/LRIV dated 22-7-1966, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and

Employment), referred to the Central Government Industrial Tribunal Bombay, for adjudication, an industrial dispute, existing between the employers in relation to Bombay Port Trust Bombay and their workmen represented by the Bombay Port Trust Employees' Union, Bombay in respect of the matters, set forth in the Schedule as mentioned below:—

SCHEDULE

- (1) Whether the demand of the Union that the normal working hours of the Time-Keeping staff of the Trustees' Engineering and Port Departments should be brought on par with those prescribed for the indoor clerical staff is justified and should be implemented?

If so, from what date?

- (2) Whether the demand that the Time-keeping staff of the Port Department should be given the same number of holidays as are allowed to the Time-keeping staff of the Engineering Department is justified and should be implemented?

If so, from what date?

2. Later on, the Central Government transferred this reference to this Industrial Tribunal No. 2 for adjudication by order No. 22/8/68 LRIII dated 25-11-1968.

3. The facts giving rise to this reference are as follows:—

4. The employers in relation to Bombay Port Trust, Bombay and their workmen represented by the Bombay Port Trust Employees' Union, Bombay made joint application to the Central Government under Sub-Section 2 of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), for making reference to a Tribunal of an industrial dispute existing between them, in respect of the matters mentioned in their application. As the Central Government was satisfied that the Bombay Port Trust Employees' Union represented a majority of the said workmen, in exercise of the powers conferred by Sub-section 2 of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), it referred this dispute to the Central Government Industrial Tribunal, Bombay for adjudication.

5. Shri S. K. Shetye, the General Secretary of the Bombay Port Trust Employees' Union (hereinafter referred to as 'The Union') has filed written statement on 9-1-1967, on behalf of the workmen. According to him, at present the normal working hours of the Time Keeping staff of the Trustees' Engineering and Port Departments are 47½ hours in a week, while those of clerks are 36½ hours in a week. The duties and pay scales of the clerks and Time-keepers are identical. The Chief Accountant's Paysheet Audit Staff does only 30 to 40 per cent work of a Time-keeper, but has got only 36 hours working in a week. Since the implementation of the report of Jeejeebhoy Committee from 1-10-1957, there is no dissimilarity in the 2 categories of clerks and Time-keepers. Both the categories are governed by the same Digest Rules and Regulations as well as leave regulations etc. However the Time-Keeping staff is compelled to put more working hours than clerks. This is discriminatory, unjust and against the principles of equity good conscience. As the duties and responsibilities of the Time-keepers and the Clerks are similar, the normal working hours of the Time-Keeping staff be brought on par with those prescribed for the indoor clerical staff.

6. According to Shri S. K. Shetye, the Time-keeping staff of the Port Department is allowed to avail only 12 Dock Holidays, while the Time-Keeping staff in other departments of the Bombay Port Trust, including Engineering Department are allowed all Bank Holidays. As all Bank holidays are allowed to Time-Keeping staff of the Engineering Department the same be allowed to the Time-Keeping staff of the Port Department.

7. Shri S. D. Chittar, Secretary of the Bombay Port Trust has filed written statement on 18-2-1967 on behalf of the Trustees of the Port of Bombay (hereinafter referred to as 'The employers'). According to the employers, as the Jeejeebhoy Committee had taken into consideration the duties, responsibilities and working hours of the Time-keepers, 'A' and 'B' scales of all the Departments, while fixing their pay scales, they cannot now raise any demand regarding their working hours and holidays and the same is barred by principles analogous to the principles of *res judicata*.

8. As the Union and others were not satisfied with the recommendations of the Jeejeebhoy Committee, three refereneces viz. 1 of 1963, 3 of 1963 and 1 of 1964 were made to Central Government Industrial Tribunal presided over by Shri Meher. It

is contended that inasmuch as Shri Meher had gone into the question of Time-Keepers' working hours including the availability of holidays in great detail, the present reference in respect of the same issues is barred on the ground of principles analogous to the principles of *res judicata*. It is further contended that as the Wage Board constituted by the Government of India, *vide* Resolution No. WB-21(4)/64 dated 13-11-64, published in the Gazette of India, Part I, Section 1 dated 28-11-64 is seized of the question of fixation of wages having regard to the totality of service conditions of Time-keepers, this reference is not maintainable. It is also contended that the employers have been coerced to sign the joint application dated 24-5-1966 to the Government of India for the reference of present dispute to a Tribunal under the threat of strike, by the Union as may be seen from the letters dated 16-2-1965, 27-2-1965, and 16-6-1965 addressed to them.

9. According to the employers, even on merit the Union has no case. The duties, responsibilities and scales of pay of the Time-Keepers and clerks are not identical. The Chief Accountant's Paysheet Audit Staff form part and parcel of the indoor clerical staff of his department. If the clerks belonging to the Administrative offices are posted to Stores or on Telephones and if they put in more hours of work than their counterparts in the Administrative offices, they are paid overtime allowance, because they form an integral part of the indoor clerical cadre, which is distinct and separate from the cadre of Time-Keepers or outdoor clerks. Average calibre of an indoor clerk is higher than that of a Time-Keeper. Outdoor staff working at Madras and Cochin Ports have similar working hours as obtaining in the Bombay Port. There is no discrimination between the Time-Keeping staff on one hand and clerks on the other hand.

10. According to the employers, Shri P. C. Chaudhury, I.C.S. appointed for the purpose of enquiring into the disparities and anomalies in the pay scales of Class III and Class IV employees of the Major Ports had after going into the question of working hours of the Time-Keepers among others in great detail, recommended that the working hours of clerical staff posted to work alongwith the technical staff on outdoor work should be on the same basis as for the latter category.

11. These recommendations were accepted by the Government of India *vide* their Resolution No. 23-PLA(87)/589 dated 20-7-1958. It is contended that the similarity in the scales of pay between the outdoor Time-Keeping staff and the indoor clerical staff cannot be treated as laying down a basis for claiming equality in working hours for, if any such demand is conceded on behalf of the Time-Keepers of the Engineering and Port Departments, a flood of demands would start flowing in on behalf of various other categories of outdoor staff working throughout the Port, it would stir up widespread industrial unrest and hamper the working of various outdoor sections and departments of the Bombay Port Trust. The demand of the Union in effect is not for uniformity in the working hours, but in reality a demand to enable the Time-Keepers to earn additional overtime. This demand be therefore rejected.

12. According to the employers, the Time-keeping staff of the Port Department is given 12 to 13 Works holidays, because they form part and parcel of the outdoor staff. There has been a practice in the Engineering Department to extend the benefit of all the public holidays to the Time-Keeping staff. This is an anomaly in the working conditions of Time-Keepers of the Engineering Department in relations to the Time Keepers and the other outdoor staff of other departments. This anomaly be therefore removed by directing that Time-Keepers of the Engineering Department should not hereafter be allowed to enjoy all the public holidays in a year, but only the works holidays numbering 12 to 13 a year. The Union's demand that the Time-Keepers of the Port Departments should have all the number of public holidays as are enjoyed by the Time-Keepers of the Engineering Department be rejected.

13. Shri R. K. Shetty, Deputy Legal Adviser for the Bombay Port Trust, Bombay contends that the employers have been coerced to sign the joint application dated 24-5-1966 to the Government of India for a reference of the present dispute to the Tribunal, under the threat of strike by the Union. In support of this contention he relies on letters dated 16-2-1965, 27-2-1965 and 16-6-1965 addressed to the employers, by the Union.

14. The Union by its letter dated 16-2-1965, 27-2-1965 and 16-6-1965 requested the employers to consider the demands of the Time-Keepers and to settle the disputes. It also informed the employers that if the dispute would not be settled, direct action would be taken. It cannot be said that these notices were illegal and inconsistent with the provisions of the Industrial Disputes Act, 1947. If the law allows the employees to give strike notice, this would not amount coercion.

15. Joint application to the Government of India for making reference to the Tribunal was made on 24-5-1966. Reference under Section 10(2) of the Industrial Disputes Act was made to the Tribunal on 22-7-1966. There was ample time for the Bombay Port Trust to make representation to the Government of India, regarding their grievance in respect of joint application, but the same has not been made. It can be inferred from this that there was no coercion as alleged by the Bombay Port Trust.

16. If the joint application was under coercion, there should have been a suit for declaration that the agreement for making reference to a Tribunal was obtained under coercion and injunction to restrain the Government of India from making reference to a Tribunal. Admittedly no such suit has been filed uptill now. It, therefore, appears to me that there is no substance in this contention of Shri Shetty.

17. Shri R. K. Shetty, Deputy Legal Adviser for Bombay Port Trust contends that the totality of conditions of service including the hours of work and holidays were gone into by the classification and Categorisation Committee (Popularly known as Jeejeebhoy Committee), while considering the proper scales of pay for all employees of Class III and IV of the Bombay Port Trust. The question of working hours and holidays of the Time-Keepers was gone into on all India basis. No proper scale of pay could be constructed without having regard to working hours and holidays enjoyed by the Time-Keepers. Shri Shetty, further submits that when the question of constructing a scale of pay was gone into, the Committee in substance had gone into the question of working hours and holidays, and that on account of this, the same demand by the Union made in this reference is barred by the principles analogous to the principles of *res judicata*.

18. The two demands of the employees in this reference are as follows:—

- (i) Equating of the normal working hours of the Time-Keepers with the working hours of the Indoor Clerks and (ii) Equating the number of holidays of the Time-Keepers in Engineering Department and Port Department.

19. It appears from para. 1 of the report of Jeejeebhoy Committee that the Government of India by its resolution No. 23PLA(91)/58 dated 23-8-1958 appointed this Committee to undertake the work of classification and categorisation of Class III and Class IV posts in the major ports of Bombay, Calcutta, Madras, Cochin, Kandla and Visakhapatnam and to fit them into one or the other scales of pay given in the schedule attached to the resolution.

20. Para. 6 of the report of Jeejeebhoy Committee refers to the function and scope of the work of the Committee. The relevant portion of this para. is as follows:—

“The Committee will examine the duties and responsibilities of various posts and fit them into one or other of the scales of pay given in the attached Schedule, in the light of the scales of pay of posts with comparable duties and responsibilities in other departments of Government.....”

21. The question regarding the working hours and holidays was not before the Jeejeebhoy Committee. In the recommendations of the Jeejeebhoy Committee, there is no recommendations about the working hours and holidays. The scope of the Jeejeebhoy Committee was restricted. It was to examine the duties and responsibilities of various posts and to fit them into one or the other scales of pay given in the Schedule. It cannot be, therefore, said that the present two demands have been considered by Jeejeebhoy Committee in any form. As regards the second demand it could not have been before the Jeejeebhoy Committee in 1958 because the Time-Keepers in Port Department came into existence in 1961.

22. Considering the scope and function of Jeejeebhoy Committee and recommendations made by it, it cannot be said that the present reference of the employees is barred on the principles analogous to the principles of *res judicata*.

23. As the employees were not satisfied with the recommendations of Jeejeebhoy Committee, 2 references viz. 1 of 1963, 3 of 1963 and 1 of 1964 were made to Shri Meher, Presiding Officer, Industrial Tribunal, Bombay. The dispute referred to Shri Meher for adjudication was as follows:—

- (a) Whether there are anomalies in regard to any of the pay scales recommended by Tripartite Committee set up by the Resolution of the Central Government in the Ministry of Transport and Communications, Department of Transport No. 23 PLA(91)/58 dated the 23rd August,

1958, published in Part I of the Gazette of India Extraordinary of the 25th August, 1958 in respect of the categories of posts listed in the annexure.

- (b) If so, what modifications, if any, should be made in the scales of pay recommended by the said committee for the posts listed in the annexure, having regard to the directions contained in paragraph 2 of the said Resolution?

20. Shri R. K. Shetty, Deputy Legal Adviser for Bombay Port, Trust contends that as Shri Meher had gone into the question of Time-Keepers' working hours including the availability of holidays in great detail, the present reference is not maintainable on the ground of principles analogous to the principles of *res judicata*.

31. Shri Meher was to consider whether there were anomalies in regard to any of the pay scales recommended by Jeejeebhoy Committee and to suggest modification if any. The question regarding equating of working hours and holidays of the Time-Keepers was not referred to him and the same was not before him. If this question was not before Jeejeebhoy Committee, it could not be before Shri Meher.

32. Shri R. K. Shetty, Deputy Legal Adviser for Bombay Port Trust contends that inasmuch as the Bombay Port Trust General Workers' Union had raised contention regarding working hours and Bank holidays enjoyed by Outdoor Clerks (which term includes Time-Keepers) before Shri Meher in the written statement dated 5-10-1963 (*vide* item No. 11 page 17, Ex. E.9), the present reference in respect of the same contentions by the Time Keepers, is barred by the principles analogous to the principles of *res judicata*. This contention cannot be accepted.

33. The dispute before Shri Meher was regarding anomalies in the scales of pay recommended by Jeejeebhoy Committee. Bombay Port Trust General Workers' Union contended before Shri Meher that there was anomaly in the service conditions of the Indoor Clerks and the Outdoor Clerks. In that connection the Union made reference regarding the working hours and holidays enjoyed by the Outdoor Clerks and Indoor Clerks (*vide* item No. 11 Outdoor Clerks on page No. 17 in Ex. E.9).

34. The Bombay Port Trust Employees Union had raised dispute regarding Time-Keepers Oil Pipe Line, Wadala and Pir Pau (*vide* item No. 29 Page 16 in Ex. E.9) before Shri Meher. It was in respect of designation. The same dispute was withdrawn by application dated 4-12-1964. It cannot be said that on account of this, the present reference is barred by the principles analogous to the principles of *res judicata*.

35. Shri R. K. Shetty, Deputy Legal Adviser for Bombay Port Trust contends that as the Wage Board is seized of the question of fixation of wages having regard to the totality of service conditions of the Time-Keepers, the present reference is not maintainable. This contention cannot be upheld.

36. The Government of India in the Ministry of Labour, & Employment by their Resolution No. WB-21(4)/64 dated 13-11-1964 have constituted the Central Wage Board for Port and Dock Workers at Major Ports. It has to work out a wage structure based on the principles of fair wages as set forth in the Report of the Committee on Fair Wages. As the Wage Board has to work out a wage structure based on the principles of fair wages, it cannot be said that the two demands in the present reference (regarding equating of working hours and holidays of the Time-Keepers) are before the Wage Board.

37. The Wage Board has issued a questionnaire calling information on various topics. One of the topics is "working hours and overtime allowance". If the Wage Board has called information and suggestions, regarding working hours for each category of employees in different establishments and overtime rates it is only by way of information. It cannot be said that the demands in the present reference are barred because the Central Wage Board has issued a questionnaire, calling upon the information and suggestions regarding working hours and holidays of the employees in various establishments. Moreover, the recommendations of the Wage Board are only recommendations. They have no statutory binding, or "effect. Hence I am of the view that the present reference is not barred on account of constitution of the Central Wage Board for Port and Dock Workers for working out a wage structure based on the principles of fair wages as set forth by the Committee on the Fair Wages.

38. The next point for consideration is whether the Time-Keepers are part and parcel of the Indoor Clerical staff or Outdoor staff.

39. The learned advocate Shri Tembe for the Union contends that the Time-Keepers are part and parcel of the Indoor Clerical staff. In support of this contention, he relies on some documents (Ex. W.3, W.6, W.10 and E.13).

40. It appears that Bombay Port Trust had filed extract regarding the duties of various staff on its establishment before Jeejeebhoy Committee. In that extract, Ex. E.13, 'A' and 'B' scale Time-Keepers of the Chief Engineering Department are shown as Indoor Clerks. They are also shown as Indoor Clerks in Ex. W.3 (which is an extract from page No. 48 and 61 of Bombay Port Trust's statement, showing the Duties and Responsibilities before Jeejeebhoy Committee). In the reply, (extract Ex. W.10) to the questionnaire of Wage Board, the Bombay Port Trust has shown 'A' and 'B' scale Time-Keepers of the Engineering Department as Indoor Clerks and Time-Keepers of Port Department as Indoor and Outdoor Clerks. In Trustees' Resolution No. 900 dated 6-12-1960 (*vide* Ex. E.W.6) it is mentioned as follows:—

"There is at present no post of Time-Keepers in the Port Department. Time-Keepers are engaged in all sections of the Engineering Department for work relating to establishment. They are regarded as Indoor staff but eligible for overtime allowance both under the Port Trust Rules and the Minimum Wages (Central) Rules, 1950."

41. Shri R. K. Shetty, Deputy Legal Adviser for Bombay Port Trust contends that the Time-Keepers are part and parcel of Outdoor clerical staff, and that there is mistake in describing them as members of Indoor staff before Jeejeebhoy Committee and Wage Board and that the documents relied on by the Union in this respect cannot be relied upon.

42. Shri R. K. Shetty, on behalf of the Bombay Port Trust relies on the oral evidence of Shri Laxman Damodhar Gokhale, Superintending Engineer, Bombay Port Trust to show that the Time-Keepers are part and parcel of the Outdoor staff of the Engineering Department. Shri Gokhale (Ex. E.12) does state on oath that Time-Keepers are part and parcel of the outdoor staff of the Engineering Department, but his testimony is inconsistent with the recitals in the documents (Ex. W.3, W.6, W.10 and E.13) belonging to the Bombay Port Trust. There is no affidavit or sworn testimony either of the Chairman, General Manager, or the Chief Accountant to show that these documents are incorrect. There is no convincing and reliable evidence to show that these documents are incorrect and unreliable in this respect. If the recitals in these documents, showing the Time-keepers as part and parcel of indoor staff are not proved to be incorrect, no weight can be attached to the sworn testimony of Shri Gokhale, when he says that Time-Keepers are part and parcel of the outdoor staff of the engineering Department.

43. Relying on the documents referred to above, I hold that the Time-Keepers concerned are part and parcel of the indoor clerical establishment.

44. This reference relates to two demands made by the Time-Keepers of the Bombay Port Trust. I will first consider the second demand.

45. According to the learned advocate Shri Tembe for the Union, the Time-Keeping staff of the Port Department is allowed to avail only 12 Dock (work) holidays, while the Time-Keeping staff in other departments of the Bombay Port Trust including Engineering Department is allowed all Bank holidays. As there is practice existing in the Engineering Department to allow the Time-Keepers all public holidays, the same should be extended to other Time-Keepers.

46. The Bombay Port Trust contends in its written statement Ex. E.9 para 11, that there has been a practice in the Engineering Department to extend the benefit of all the public holidays to the Time-Keeping staff in the Engineering Department, that this is an anomaly in the working conditions of Time-Keepers of the Engineering Department in relation to the Time-Keepers and the other outdoor staff of other departments and that this Tribunal should be pleased to remove this anomaly by allowing only works holidays to the Time-Keepers of the Engineering Department.

47. Admittedly, there is a practice existing since long in the Engineering Department to extend the benefit of all the public holidays to the Time-Keepers in that Department. Bombay Port Trust authorities allowed this practice to continue. They did not take any steps to stop it. It is only for the first time in this reference in the written statement (Ex. E.9, para 11) that Bombay Port Trust is contending that this practice should be discontinued and that only works holidays be allowed to the Time-Keepers of the Engineering Department. In my opinion their request cannot be granted.

48. Time-keepers of the Engineering Department and Time-keepers of Port Department, belong to the same cadre. Their duties and responsibilities are similar. Their scales of pay are the same. As they belong to the same category, there should not be any distinction or difference in respect of their service conditions. If only works holidays are allowed to the Time-keepers of Port Department and if all Bank holidays are allowed to the Time-keepers of Engineering Department this would amount to discrimination in their service conditions in respect of holidays. This would lead to dissatisfaction and frustration amongst the Time-keepers of the Port Department. There is no justification for the Bombay Port Trust authorities to refuse to give all Bank holidays to the Time-keepers of the Port Department, when they are giving all Bank holidays to the Time-keepers of the Engineering Department. In my opinion, the demand of the Time-keepers of the Port Department for allowing them the same number of holidays as are allowed to the Time-keeping staff of the Engineering Department is just and proper. They are, therefore, entitled to get the same number of holidays i.e. all Bank holidays.

49. The next point is from what date, the Time-keepers of the Port Department should start getting all Bank holidays. To avoid complications, I think that the Time-keepers of the Port Department should start getting all public holidays with effect from 1st June, 1969.

50. The next point for consideration is whether the normal working hours of the Time-keeping staff of the Trustees' Engineering and Port Departments should be brought on par with those prescribed for the indoor clerical staff. My finding on this point is in the affirmative for the following reasons.

51. On 25th August, 1959, there was a meeting of the Trustees of the Port of Bombay. Extract from the proceedings of this meeting is produced at Ex. W-8. This extract W-8 is as follows:—

"The question of having a separate cadre of these outdoor clerks has been considered and it is found that such a step would not be practicable as the staff concerned will have no avenues of promotion and there are also distinct advantages in a system under which the indoor staff can go out and gain practical experience which would enable them to carry out their duties more efficiently. I do not consider that a tenable claim for additional remuneration can lie. The other major ports have been consulted in the matter and the unanimous opinion is that the staff wherever they may be employed whether indoor or outdoor should be governed by the hours of duty applicable to the particular establishment and that there is no case for any extra payment for any longer hours of work."

52. It appears that in 1959, the view prevailing amongst the authorities of the Bombay Port Trust was that it was not necessary to keep the cadres of clerical staff, indoor and outdoor separate, that the staff should be governed by the hours of duty applicable to the particular establishment to which they are attached and that they would not be entitled for any extra payment for any longer of hours of work (*vide* Ex. W-8-Resolution No. 755) (i) The Committee's recommendations is approved (ii) the Government of India should be informed accordingly.)

53. On 5-11-1963, the Trustees of the Port of Bombay passed Trustees' Resolution No. 956 (*vide* Ex. W-2) Para. 4 of this resolution is as follows:—

"4. The need for the office staff to work beyond the normal hours of duty persists and the staff have shown a marked reluctance to work overtime unless they are placed on such work on a 12 hour-per-day basis, so that they can get the full benefit of the provisions relating to overtime contained in the Minimum Wages Act. The employment of office clerks for 12 hours a day, more or less, continuously for fairly long periods, is not in the interests of efficiency nor of the employees themselves. The time has, therefore, come for effecting a change in the present arrangements regarding the overtime working of office staff. In the light of the Government orders referred to above and the practice prevailing in the Calcutta and the Madras Ports, the Chairman has agreed that the office staff should be made eligible for overtime allowance for work beyond normal duty hours, subject to compliance with the provisions of the Minimum Wages Act. The Chairman has also agreed that the proposed scheme should be made applicable only to staff who have to work overtime for administrative reasons and that their overtime working should be closely controlled by their superiors. In the case of supervisory staff, the Heads of Departments will have to

ensure that only the minimum number required for effective supervision are retained for overtime. The categories of staff to whom it is proposed to apply the scheme, are listed in the Annexure hereto”.

54. In view of Trustees' Resolution No. 956 dated 5-11-1963 (*vide* Ex. W-2) Indoor Clerks attached to outdoor establishment get overtime allowance for working beyond normal hours. In the Appendix to this Trustees' Resolution, list of categories of office staff proposed to be made eligible for overtime allowance under Port Trust Rules is given. In this list, Time-keepers have not been included.

55. The working hours of clerks attached to indoor and outdoor duties are as follows:—

Day	Indoor	Outdoor
Monday to Friday	10.30 A.M. to 5.30 P.M. (with half an hour's recess) i.e. $5\frac{1}{2}$ hours.	8.00 A.M. to 5.30 P.M. (with an hour's recess) i.e. $8\frac{1}{2}$ hours.
Saturday	10.30 A.M. to 2.00 P.M. i.e. $3\frac{1}{2}$ hours.	8.00 A.M. to 1.00 P.M. i.e. 5 hours.
TOTAL	36 hours	47 $\frac{1}{2}$ hours.

56. It is common ground that Indoor Clerks attached to outdoor establishment have to work from 8 A.M. to 5.30 P.M., but their normal working hours remain the same (i.e. from 10.30 A.M. to 5.30 P.M.) as they get overtime allowance as per rules, since Trustees' Resolution No. 956 dated 5-11-1963 (*vide* Ex. W-2) was passed. As I have taken a view that the Time-keepers are part and parcel of the Indoor Clerks, their normal working hours should not, therefore, differ from those of the Indoor Clerks. Their normal working hours should be brought on par with those prescribed for the indoor clerical staff. Otherwise there will be discrimination in the service conditions regarding working hours of the Time-keepers and those of the Indoor Clerical staff of the Bombay Port Trust.

57. There is a change in the concept on the part of the Bombay Port Trust in regard to normal working hours of the indoor clerical staff attached to outdoor establishment, since 1963 (*vide* Trustees' Resolution No. 956 dated 5-11-1963 Ex. W-2). In 1959 this demand of the indoor clerical staff attached to outdoor establishment for overtime allowance for work beyond normal duty hours was rejected, but in 1963 the same has been allowed, upheld and justified by the Bombay Port Trust (*vide* Ex. W-2).

58. If the Indoor Clerks do the work of Time-keepers in second and third shift, they get the benefit of overtime allowance for work beyond normal working hours. But the Time-keepers working in day shift do not get the same benefit. Why should they not get this benefit if the Clerks, doing the same work in second and third shift, get benefit? Service conditions of Time-keepers and Clerks are more or less the same. There is, therefore, every justification for bringing the normal working hours of the Time-keepers on par with those prescribed for the indoor clerical staff.

59. In Loco Shed and Merry Weather Dry Dock, a Clerk and a Time-keeper sit side by side and do the same work. The clerk gets the benefit of overtime work, while the Time-keeper does not get the same. If the Time-keeper and the clerk do the same work in the same establishment, why should there be different normal working hours for them? Why should they be given different treatment? Such discrimination in their service conditions in respect of normal working hours and overtime allowance, is bound to create unrest and dissatisfaction. It is, therefore, necessary to remove this discrimination, by bringing the normal working hours of the Time-keepers on par with those prescribed for the indoor clerical staff.

60. Shri Tembe, the learned advocate for the Union contends that there is discrimination between the clerical staff and the Time-keepers as regards the normal working hours and that the same be removed. In support of his say he relies on 1964 I, LLJ, Page 750 (between Nawabganj Sugar Mills Co. Ltd. and its workmen & another).

61. In 1964 I, LLJ, Page 750, the Supreme Court of India has held:—

“In view of the facts of the instant case when the Company had paid retaining allowance to some of its clerks and the practice followed by the

other factories in the neighbourhood, the company could not make any discrimination in the payment of retaining allowance to some of its clerks. It was not explained by the Company as to how and why it paid retaining allowance to half of the seasonal clerks and not to others".

62. If we apply the principle of this ruling to the facts of the present reference, it will be clear that the Bombay Port Trust cannot prescribe different normal working hours to Time-keepers. It will have to prescribe the same normal working hours to the Time-keepers, as those prescribed for the Indoor Clerks. Otherwise there will be discrimination between the clerical staff and the Time-keepers, as regards normal working hours.

63. After the report of Jeejeebhoy Committee, Bombay Port Trust made alterations in the service conditions of the staff. By Trustees' Resolution No. 351/1962 dated 24-4-1962 (Vide Ex. W-4), Bombay Port Trust decided to upgrade certain number of 'B' scale posts to 'A' scale as mentioned in para. 9 of Ex. W-4, for enlarging the promotional opportunities for office clerical staff. Bombay Port Trust made further improvement in respect of promotional opportunities for indoor clerical staff by Trustees' Resolution No. 478/63 dated 11-6-1963 (vide Ex. W-5). If Bombay Port Trust is trying to improve the service conditions of some staff, why should it not remove the hardship and injustice caused to Time-keepers in respect of working hours and holidays? The two demands of the Time-keepers, made in this reference appear to be just and proper.

64. Shri R. K. Shetty, the Deputy Legal Adviser for the Bombay Port Trust submits that if the Time-keepers are held as members of the indoor staff the Bombay Port Trust will have no case and that if they are members of the outdoor staff, the Union will have no case. I have already held that the Time-keepers are part and parcel of the indoor establishment. Hence, I am of the view that Bombay Port Trust has no case; and that the two demands of the Time-keepers made in this reference should be accepted.

65. Shri R. K. Shetty, the Deputy Legal Adviser for the Bombay Port Trust contends that the Tribunals should not reduce the working hours which are within the statutory limits.

66. As per rule 24(1) of the Minimum Wages (Central) Rules, 1950, the number of hours which shall constitute a normal working day shall be (a) in the case of an adult, 9 hours. As per Section 51 of the Factories Act, 1948, no adult worker shall be required or allowed to work in a factory for more than 48 hours in a week. As per Section 54 of the Factories Act, 1948, subject to the provisions of Section 51, no adult worker shall be required or allowed to work in a factory for more than nine hours in any day.

67. Section 51 and 54 of the Factories Act, 1948 prescribe the maximum period regarding the daily and weekly hours of work. Rule 24(1) of Minimum Wages (Central) Rules 1950 prescribes the hours of a normal working day. The normal working hours prescribed by Bombay Port Trust for Time-keepers are within the statutory limits. These statutes nowhere lay down that these working hours should not be reduced. The contention raised by Shri R. K. Shetty that working hours within statutory limits should not be reduced by the Tribunals cannot be upheld.

68. Shri R. K. Shetty, the Deputy Legal Adviser for the Bombay Port Trust contends that the working hours of the office staff would be less than the working hours of the operational staff and that inasmuch as the Time-keepers belong to operational staff, their normal working hours of 48 hours per week, prescribed by Bombay Port Trust be not reduced.

69. Shri Gokhale, the Superintending Engineer, Bombay Port Trust mentions in his evidence (Ex. E-12) the duties of Time-keepers. They are as follows:—

- (i) Take musters of labourers.
- (ii) Maintain leave account.
- (iii) To make entries in Log-book.
- (iv) Every duty connected with staff of labourers.
- (v) To maintain full record of the employees' service.

According to Shri Gokhale, no work in the sections of the Engineering Department can be carried out without the help of the Time-Keepers, where the work is carried on departmentally.

70. Duties and responsibilities of 'A' and 'B' scale Time-keepers are given in Ex. W-3 which is an extract from Bombay Port Trust's statement before Jeejeebhoy Committee. Shri Gokhale says in his evidence (Ex. E-12) that the duties and responsibilities mentioned in Ex. W-3 are the duties which are carried indoors, that they are of clerical nature, and that at the same time they (i.e. Time-keepers) have to do outdoor work. There can be no doubt that the Time-keepers have to carry on duties which are of clerical nature. As their duties are of clerical nature, their normal working hours should not, therefore, differ from those of the indoor clerical staff. Hence the contention raised by Shri R. K. Shetty for the Bombay Port Trust that the present normal working hours of 48 hours per week of the Time-keepers be not reduced as they belong to operational staff cannot be upheld.

71. Shri R. K. Shetty, Deputy Legal Adviser for the Bombay Port Trust contends that the office staff is not concerned with production and that they are concerned with record, while the Time-keepers are concerned with production. It is contended that if the present normal working hours of 48 hours per week of the Time-keepers are reduced to 36 hours per week, the production would suffer. There is no force in this contention. If the Bombay Port Trust wants the Time-keepers to work for 48 hours per week, it should pay them overtime allowance, in the way in which it is paid to the Indoor Clerks, who are posted to perform outdoor duties on the basis of Trustees' Resolution No. 956 dated 5-11-1963 (Ex. W-2). In that case, the production would not suffer.

72. Shri R. K. Shetty, Deputy Legal Adviser for the Bombay Port Trust has relied upon the report of the Second Pay Commission in page 400, para. 11. It is as follows:—

"On the question of uniformity in weekly hours among the various groups of employees, we are of the view that it is not necessary or feasible. We are fortified in this view by practice in many other countries and in outside employment in this country".

73. In the present case, the Time-keepers' case is that their normal working hours be brought on par with those prescribed for the indoor clerical staff, because their duties are more or less similar to those of Indoor Clerks and because they form part and parcel of the indoor establishment. The Time-keepers are not making a demand that there should be uniformity in the weekly hours among the various groups of the employees of the Bombay Port Trust. The recommendations of the Second Pay Commission on the question of uniformity in weekly hours does not come in their way.

74. Report of the Officer on Special Duty appointed to enquire into the demands of Port and Dock Workers, dated 20th July 1958 is produced at Ex. E-3. Chapter VII relates to working hours, Night Shift and weekly off. Under the heading working hours, Clause iv, is as follows:—

"The working hours of the clerical staff posted to work alongwith technical staff on outdoor work should be on the same basis as for the latter category".

75. The recommendations of Shri P. C. Choudhary, Officer on Special Duty (Ex. E-3), regarding working hours were accepted by the Government of India (vide Resolution No. 23 PLA(87)/589 dated 20th July 1958 under item No. IV under the heading working hours, under Part III of 'B'—"Recommendations which do not seek to make any change in the working rules or practices" in appendix I to the said Resolution).

76. Relying on the above mentioned recommendation of Shri P. C. Choudhary, Officer on Special Duty, Shri R. K. Shetty says that the normal working hours of the Time-keepers be not brought on par with those of the Indoor Clerks. I am unable to accept this contention.

77. It appears from Trustees' Resolution No. 755 dated 25th August 1959 (vide Ex. W-8) that the Government of India, had suggested to Bombay Port Trust to create separate cadre of Outdoor Clerks after the Choudhary Report was published. In this connection there is Chairman's note dated 14th August 1959 mentioned in Ex. W-8. It is as follows:—

"The Government of India, in their letter No. 23 PLA (87)/58 dated 26th July, 1958, relating to the implementation of the Government of India Resolution on the Choudhary Report have stated *inter alia*, as follows:—

"In the course of informal discussions with the representatives of the Labour Unions, it was pointed out that the clerical staff posted on

outdoor work have to put in longer hours of work than the cadre of clerical indoor staff. It was made out that the staff was interchangeable, and that therefore it would be fair to make additional payment for the extra hours put in by the outdoor clerical staff at all the ports. It is felt that it would be desirable to keep the cadres of clerical staff, indoor and outdoor, separate; otherwise claim for extra payment to outdoor staff for longer hours of duty may become tenable. The feasibility of keeping the cadres separate may therefore, be examined and the result intimated to this Ministry as early as possible."

78. Para. 4 in Ex. W-8 is as follows:—

"The question of having a separate cadre of these outdoor clerks has been considered and it is found that such a step would not be practicable as the staff concerned will have no avenues of promotion and there are also distinct advantages in a system under which the indoor staff can go out and gain practical experience which would enable them to carry out their duties more efficiently. I do not consider that a tenable claim for additional remuneration can lie. The other major Ports have been consulted in the matter and the unanimous opinion is that the staff, wherever they may be employed—whether indoor or outdoor—should be governed by the hours of duty applicable to the particular establishment and that there is no case for any extra payment for any longer hours of work."

79. In view of the Trustees' Resolution No. 755, dated 25th August 1959 it is clear that in 1959 there were no separate cadres of Outdoor and Indoor Clerks. Though the Government recommended that it was desirable to keep the cadres of clerical staff, indoor and outdoor separate, yet the Bombay Port Trustees refused to keep the cadres of clerical staff, indoor and outdoor separate (*vide* Ex. W-3). In 1963, by Trustees' Resolution No. 956, dated 5th November 1963 (*vide* Ex. W-2) it allowed overtime allowance to office staff for working beyond the normal duty hours. In view of this change in the concept on the part of Bombay Port Trust in regard to normal working hours of the indoor clerical staff attached to outdoor establishment, there is no reason as to why the normal working hours of the Time-keepers should not be brought on par with those of the indoor clerical staff, and as to why the Time-keepers should not get the benefit of overtime allowance as allowed to indoor staff under Trustees' Resolution No. 956 dated 5th November 1963 (*vide* Ex. W-2). In these circumstances, it cannot be said that Shri P. C. Choudhary report in respect of working hours, comes in the way of the present demands of the Time-keepers.

80. Shri R. K. Shetty, Deputy Legal Adviser for Bombay Port Trust contends that the outdoor staff working at the Madras and Cochin Ports have similar working hours as obtaining in the Bombay Port and that on account of this working hours of the Time-keepers be not brought on par with those prescribed for the indoor clerical staff.

81. It appears that the General Manager of the Bombay Port Trust wrote a Demi-Official letter dated 3rd May 1966 (See page 37 of Ex. E-9) to Madras and Cochin Port Authorities for making inquiries regarding the working hours of the indoor and outdoor staff. The General Manager received replies from Madras under D.O. letter dated 7th May 1966 (See page 38 of Ex. E-9) and Cochin under D.O. letter dated 14th May 1966 (See page 39 of Ex. E-9). Outdoor staff working at Madras and Cochin Ports have similar working hours as obtaining in the Bombay Port.

82. In 1959, the Bombay Port Trust authorities refused to create separate cadres of Indoor and Outdoor Clerks (*vide* Ex. W-3). In 1963, Bombay Port Trust changed its concept in respect of normal working hours of the indoor clerical staff attached to outdoor establishment and allowed overtime allowance to office staff working beyond office hours. It is not clear from the Demi-official letters of Madras and Cochin Ports authorities, as to whether they passed resolutions similar to those passed by Bombay Port Trust, referred to above. Hence the practice regarding working hours of the outdoor staff prevailing in Madras and Cochin Ports for considering as to whether the working hours of the Time-keepers in Bombay Port Trust should be brought on par with those prescribed for the indoor staff, cannot be given any weight.

83. In short, all the objections raised by Shri R. K. Shetty, Deputy Legal Adviser for the Bombay Port Trust, for granting the two demands of the Time-keepers in this reference fail.

84. The next point is, regarding the date from which Time-keepers' present working hours should be brought on par with those prescribed for the indoor clerical staff. In my opinion, demand No. 1 should be given effect from 1st June 1969, to avoid complications and to give sufficient time to Bombay Port Trust authorities for making necessary adjustments.

85. If the Bombay Port Trust authorities want the Time-keepers to work from 8 A.M. to 5-30 P.M. with one hour recess on week days other than Saturday and from 8 A.M. to 1 P.M. (without recess) on Saturday, they will have to give overtime allowance to them for work beyond normal duty hours of 36 hours per week as prescribed for the Indoor Clerks.

86. In the end I pass the following order:—

ORDER

- (i) Normal working hours of the Time-keeping staff of the Trustees' Engineering and Port Departments should be brought on par with those prescribed for the Indoor clerical staff, with effect from 1st June 1969.
- (ii) Time-keeping staff of the Port Department should be given the same number of Bank or Public holidays as are allowed to the Time-keeping staff of the Engineering Department, with effect from 1st June 1969.
- (iii) Award is made accordingly.
- (iv) No order as to costs.

(Sd.) N. K. VANI,
Presiding Officer,
Central Government Industrial
Tribunal No. 2, Bombay.
10th March, 1969.
[No. 28/87/66-LRIV.]

S.O. 1480.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to Messrs Calcutta Licensed Measurers, Calcutta and their workmen, which was received by the Central Government on the 31st March, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 49 OF 1968

PARTIES:

Employers in relation to Messrs Calcutta Licensed Measurers,

AND

Their workmen.

PRESENT:

Shri B. N. Banerjee—*Presiding Officer.*

APPEARANCES:

On behalf of Employers.—Shri D. Basu Thakur, Legal Adviser, Bengal Chamber of Commerce and Industry.

On behalf of Workmen.—Shri Patil Paban Pathak.

STATE: West Bengal

INDUSTRY: Port & Dock

AWARD

By Order No. 28(66)/68-LRIII dated October 7, 1968, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour Employment), referred the following industrial dispute between the employers in

relation to Messrs Calcutta Licensed Measurers and their workmen, to this tribunal, for adjudication, namely:

"Whether the clerical and mechanical staff under the Calcutta Licensed Measurers, P-78, Garden Reach Road, Kidderpore, Calcutta-43 are entitled to sick leave at the rate of one month in a year? If not, to what relief are the workmen concerned entitled?"

The language used in the schedule to the order of Reference is somewhat unrevealing. There is no dispute that the clerical and mechanical staff under the Calcutta Licensed Measurers get sick leave at the rate of one month in the year. The dispute is whether there should be a maximum limit to accumulation of such leave fixed or whether sick leave should be allowed to accumulate upto unlimited period.

2. Since the order of reference is somewhat unrevealing, I am at liberty to look to the pleadings on the authority of the law laid down by the Supreme Court in *Delhi Cloth and General Mills Company Ltd., and their workmen* (1967) 1 LLJ 423 and to find out the real scope of dispute.

3. The organisation named as Calcutta Licensed Measurers is a partnership carrying on business of measurement and weighment of cargo in the Port of Calcutta. Prior to 1962, this business used to be carried out, amongst others, by the Licensed Measurers Department of Bengal Chamber of Commerce & Industries. In 1962, the Measurers department of Indian Chambers of Commerce and the Licensed Measurers department of Bengal Chamber of Commerce & Industries merged together and formed the partnership known as Calcutta Licensed Measurers.

4. In paragraph 3 of the written statement filed by the Calcutta Licensed Measurers Employees' Union, it is said:

"that amongst other, the employees have been enjoying sick leave at the rate of one month in a year without any ceiling."

In proof of what is stated in the aforesaid paragraph, the workmen sought to rely on two documents which are respectively marked Exts. A and D before this Tribunal. In paras 4, 5, 6, 7 and 10 of the written statement of the Employees' Union, it was stated:

"4. That it may be mentioned here that there is no stipulation about the maximum entitlement of Sick Leave either in the agreement or the Office Order referred to above.

5. That on or about 20th February 1968, the Management all of a sudden issued a letter to Sri T. K. Chatterjee, in which, for the first time, maximum entitlement was indicated with a note of warning.

6. That never before any such letter or warning was ever issued. There are instances when the employees have enjoyed Sick Leave for more than 18 months.

7. That the Union protested against Managements' letter to Sri Chatterjee and tried to reason with them. It was pointed out that such an attempt will not only violate the terms and conditions but would go to curtail the existing benefits but in vain.

8. ***

9. ***

10. That the Union submits that one months' sick leave with full pay and dearness allowance in a year without any stipulation of maximum limit is a condition of service of the employees and the Management's contention and attempt to introduce maximum limit is illegal, malafide and against all principles of natural justice to curtail the existing facilities."

5. The demand made by the workmen was sought to be met by the management with the following case made in the written statement:

"2. ** The Firm states that prior to the formation of this Firm in April, 1962 the clerical, head office subordinate staff, mechanics and drivers were covered by the Leave Rules of Bengal Chamber of Commerce and Industry and as accorded by the West Bengal Tribunal in 1949. The employees of the L.M.D. of Bengal Chamber of Commerce & Industry were taken over by this firm on the terms that there will be no break in the service of the employees or change in their terms and conditions of service. It is submitted that the said Award of 1949 will govern the sick leave of the employees. That with reference to office order No. 1/51 dated 11th December 1951 the firm states that the same if at

all applicable is only applicable to the Firm's scale room (Work Shop) staff only.

4. *** The Firm states that in few exceptional cases the Firm at its discretion allowed relaxation.

5. The Firm submits that the employees are entitled to sick leave as are in existence for the employees of Bengal Chamber of Commerce & Industry as awarded in 1949. ***"

6. The leave rules mentioned in paragraph 6 above are marked Ext. 7 before this tribunal.

7. On behalf of the workmen Anupam Sen Gupta deposed. According to him, there was a time when employees in Calcutta Licensed Measurers used to get one month's sick leave without any limitation as to the maximum period. He, however, said that the management later on, began to show disinclination to grant sick leave for more than 12 months in one's career. As an instance of this disinclination, he invited my attention to Ext. F, a letter written by the Secretary of the Calcutta Licensed Measurers to Tri'oki Kr. Chatterjee, on November 20, 1968, which I set out below:

"With reference to your Medical Certificate dated 30th January 1968, you are hereby informed that you have already availed of 16 months 10 days sick leave with full pay and dearness allowance during your service. In this connection, your attention is drawn to Rule No. 1(iii) relating to Sick Leave Rules, applicable to you.

You are, however, granted 20 days' Sick Leave, as a very special case, from 10th to 29th January, 1968, with pay and dearness allowance, at the discretion of the Management.

It is further made clear to you that instances of sick leave in future shall be considered by the Management at their sole and absolute discretion."

The exhibition of this type of disinclination, according to him, gave rise to the present dispute.

8. On behalf of the workmen reliance has been placed on Ext. 1, office order No. 1/51 dated December 11, 1951. The said office order contains the following provision as to sick leave:

"On full pay on the recommendation of the Medical Officer but not more than 30 days at a time."

According to the workmen, this rule does not admit of fixation of any maximum period of sick leave. According to the management, however, sick leave must be governed by the terms of the award, published on February 7, 1949 (Ext. 4), which reads as follows:—

"Subject to medical certificate on month's sick leave for each year of service, subject to a maximum of 12 months in all during the whole of employee's period of service."

Also, according to the management, sick leave is controlled by Clerical & Subordinate Staff Leave Rules of the Bengal Chambers of Commerce and Industry (Ext. 7) Rules 1(iii) and 2(c) of which reads as follows:

"1(iii) Sick Leave—Subject to Medical Certification, one month's sick leave in each year of service, subject to a maximum of 12 months in all during the whole of an employee's period of service.

2(c) Sick Leave:—

- (i) All sick leave must be covered by a medical certificate from a registered medical practitioner, which must be submitted as soon as possible after the commencement of sickness and not after the sickness is over.

- (ii) As an exception to this requirement absences up to three days only taken on medical grounds but unsupported by a medical certificate may be counted as sick leave provided prior personal application is made to the personnel Officer and it appears that such leave is justified.

- (iii) The Chamber reserves the right to have an employee examined by its own Doctor and in the case of staff on leave out of Calcutta and its environs, to require the counter signature of the local Civil Surgeon to the medical certificate or a certificate from the Civil Surgeon himself in support of an application for sick leave.

The Chamber further reserves the right to require an employee who has been on sick leave to submit, in his own as in the interest of the staff generally, a Medical Certificate of fitness to return to duty before he rejoins his appointment. Ordinarily this right will be exercised only in case of infectious or contagious diseases or where a question of physical fitness to resume work arises.

- (iv) Subject to the condition that it does not exceed the total maximum amount of sick leave (ie. 12 month) during the whole period of service, cumulative sick leave is permissible on the basis of half a month for each year of service already to the credit of the individual concerned less the amount of sick leave already taken during the period."

According to evidence of Mr. Mitra, who deposed on behalf of the management, unlike Ext. 7, Ext. 1 (office Order No. 1/51 dated December 11, 1951), was not framed by a committee of the Bengal Chambers of Commerce & Industry but by the Superintendent of the Licensed Measurers Department. The reason why this office order was framed, the union was not also aware of. My attention, however, was invited, on behalf of the management, to Ext. 8, a letter from the Acting Sca's Room Manager to the Secretary, Calcutta Licensed Measurers, dated April 17, 1968, which reads as follows:

"With reference to your note of date, I have to state that the Leave Rules being followed in respect of Mechanic Staff (S/R) were the Printed Leave Rules of the B.C.C. I for the Clerical and H.O. Subordinate Staff, which were reproduced and duly put up on the Notice Board for the information and the guidance of the mechanics staff concerned under cover of Notice No. 3451 dated 28th July 1965.

These rules have all along been accepted by the mechanics who have on various occasions made requests to me for recommendations of P.L. and other kinds of leave in the past in the accordance with the provisions of the Printed Leave Rules.

The Office Order No. 1/51, dated 11th December 1951, was actually never applied either by my predecessor Mr. J. C. Franklin and by myself. The staff also had never referred to the Office Order in connection with any leave matters."

The above letter goes to show that Ext. 1 was never put to operation or made effective.

9. On consideration of the evidence on record, I am of the opinion that the employees of the Calcutta Licensed Measurers are governed by the Bengal Chamber of Commerce & Industry sick leave rules (Ext. 4 and Ext. 7) which admit of a maximum of 12 months' accumulated sick leave in all during the entirety of the period of service of an employee. I hold this even in the face of the document, Ext. A, the office Order No. 1/51, because I have no reason to hold that the said document in any way could or did over-ride either the award, Ext. 4 or the leave rules Ext. 7. There is no evidence before me to show how and in what circumstance the said office order was made and also there is no evidence to rebut the case of the management that the said office order was not followed up at all but remained only as a window-dressing.

10. Although of that opinion, I am still entitled to see whether the imposition of a maximum limit in the matter of grant of sick leave should be allowed to remain at all. Sickness is a compelling circumstance, which physically disables a man and obliges him to take rest. Social justice demands that a sick person must not be made to work, in so far as it can be helped. I do not mean to say that if a man falls sick and remains sick for a long time, he must have the right to sick leave until recovery. What I mean to say that some reasonable period of sick leave should be granted to all sick employees. That such a reasonable period is one month in the year is not disputed. Question for my consideration is for how long the period of sick leave should be allowed to accumulate. The justification for allowing sick leave to accumulate is that all sicknesses may not be of short duration. There may be some sicknesses, which may keep a person disable or laid up for a pretty long time. In such a circumstance, he may be compelled to remain on sick leave for more than a month. Under the scheme, as in Ext. 7, accumulation of sick leave is 'permissible on the basis of half a month for each year of service already to the credit of the individual concerned less the amount of sick leave already taken during the period'. Thus, the position is, if we consider the effect of Rule 1(iii) and Rule 2(c) (iv) together, that in the first year of service a man becomes entitled to a month's leave with no accumulation. If he has not

taken any leave in the first year, 15 days' leave accumulates to his credit and he becomes entitled to one month more as the recurring sick leave for the second year. If he does not take any sick leave in the second year also, one month's leave accumulates to his credit in the third year and he becomes entitled to a further period of one month's recurring leave for the third year of his service and it goes on in this fashion, until the maximum period of 12 months is reached. The accumulation, of course, is reduced if he takes any leave out of the accumulated period.

11. Since I hold that the workmen are subject to sick leave subject to a maximum of 12 months and since I do not rely upon the workmen's version that the 12 months maximum was suddenly and arbitrarily imposed or clamped upon the workmen, in derogation of the previous service conditions, I do not find any injustice behind fixation of a maximum of 12 months accumulated leave at a time. Mr. Basu Thakur made it clear to me that over and above the maximum period of sick leave to be granted to workmen, the management in its discretion grants more and would be always ready and willing to grant this further period in the event of sickness of prolonged duration after an employee has consumed maximum period of sick leave or if absolutely necessary. For ends of justice, I direct that this discretion must be judiciously exercised and must not be refused in cases where a workman makes out a case of prolonged illness and absolute inability to attend office, after having had consumed the maximum period of sick leave. By how long the extension over and above the maximum period should be given must always be left at the judicious and objective discretion of the management but it must not be a token extension.

12. In the result, my award is that the Clerical and Mechanical staff under the Calcutta Licensed Measurers are entitled to sick leave at the rate of one month in year, subject to a maximum of 12 months in all during the whole of an employee's period of service, which maximum may be extended in proper cases at the judicious discretion of the management to such an extent as hereinbefore directed. In making such extension over the maximum period, the management must proceed objectively and not subjectively.

This is my award.

Dated, March 24, 1969.

(Sd) B. N. BANERJEE,

Presiding Officer.

[No. 28/66/68-LRIII.]

ORDERS

New Delhi, the 7th April 1969

S.O. 1481.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to Messrs Apolo Marine Syndicate, Calcutta and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

"Whether the demand for payment of bonus for the cleaning gang workers working under Messrs Apolo Marine Syndicate, Calcutta for the financial years 1964-65, 1965-66, 1966-67 and 1967-68 is justified and if so, at what rate and from what date?"

[No. 28(7)/69-LWI-III.]

S.O. 1482.—Whereas the employers in relation to the Bombay Port Trust, Bombay and their workmen represented by the Bombay Port Trust Employees' Union, Bombay, have jointly applied to the Central Government for reference of an industrial dispute that exists between them to an Industrial Tribunal in respect of the matters set forth in the said application and reproduced in the Schedule hereto annexed;

And whereas, the Central Government is satisfied that the persons applying represent the majority of each party;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal No. 2, Bombay, constituted under section 7A of the said Act.

SCHEDULE

"Whether the Lascars, Jolly Boat Tindals and Sphicemen attached to the shore unit of the Bombay Port Trust workshop are justified in claiming any monetary relief for the work in connection with the repairs and maintenance of lighthouses, lightships, buoys and beacons in the harbour? If so, what should be the quantum of such relief and whether such payment should be made with any retrospective effect, and if so, from what date?"

[No. 28/5/69-LWI-III.]

K. D. HAJELA, Under Secy.

(Department of Labour and Employment)

New Delhi, the 7th April 1969

S.O. 1483.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the management of Bhilai Steel Plant, Bhilai, and their workmen, which was received by the Central Government on the 26th March, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
1600, WRIGHT TOWN, JABALPUR (M.P.)

Dated March 19, 1969

PRESENT:

Shri G. C. Agarwala.—Presiding Officer.

CASE REF. No. CGIT/LC(R) (39) OF 1968

PARTIES:

Employers in relation to the management of Bhilai Steel Plant, Bhilai, Distt., Durg (M.P.).

Versus

Their workmen of Dalli-Rajhara Mines represented through the Samyukta Khadan Mazdoor Sangh, Rajnandgaon, Distt., Durg (M.P.)

APPEARANCES:

For employers.—Sri J. N. Malla, Law Officer.

For workmen.—Sri P. K. Thakur, Vice President, Samyukta Khadan Mazdoor Sangh

INDUSTRY: Iron Ore.

DISTRICT: Durg (M.P.).

AWARD

By Notification No. 37/47/65-LRI dated 3rd June, 1968, the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), Government of India, referred the following matter of dispute as stated in the schedule to the order of reference to this Tribunal, for adjudication.

Matter of dispute

- (i) Whether the action of the management of Bhilai Steel Plant in relation to their Dalli-Rajhara Mines in dismissing Sarvashri K. D. Mishra, Indal, Nazarulla and Hidayat, Male Mazdoors with effect from the 24th May, 1965 is justified?
- (ii) If not, to what relief are the workmen entitled?

2. After the parties filed their pleadings certain issues were framed on the hearing rendered on 21st August, 1968. Thereafter evidence was recorded on 2nd December, 1968, but as some technical flaws were found in the departmental enquiry which might have vitiated the same, the management was directed to lead evidence on merits of the misconduct for which four concerned workmen had been punished. Both parties then gave evidence and arguments on the whole case were also heard in part. When the case was at its last legs and during the concluding part of the argument, a compromise formula was evolved and parties compromised the dispute and filed a compromise petition, terms of which are reproduced in the annexure. It has been agreed between the management and the Union that two out of four workmen, two namely, S/Sri Hidayat and Indal would be reinstated with continuity of service but without back wages if they apply and appear within one month from the date of the publication of the award. The Union, Samyukta Khadan Mazdoor Sangh, which sponsored the dispute has not pressed the case of the other two workmen S/Sri Nasuralla and K. D. Mishra and they would remain stand dismissed. As a gesture of goodwill the management has also agreed to pay Rs. 100 as costs of proceedings to the Union. This is a fair and reasonable compromise which is accepted and an award is recorded in terms thereof.

(Sd.) G. C. AGARWALA,
Presiding Officer.
19-3-1969.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT JABALPUR.

REFERENCE ORDER No. CGIT/LC(R) (39)/68.

PARTIES:

Management in relation to Bhilai Steel Plant and their workmen.

Compromise petition

The management of the Bhilai Steel Plant and the Union Samyukta Khadan Mazdoor Sangh, Rajnandgaon, which raised the dispute regarding the dismissal of four concerned workmen S/Shri K. D. Mishra, Indal, Nasuralla and Hidayat have, in order to maintain good industrial labour relations compromised the dispute as follows:—

- (1) That S/Shri Hidayat and Indal will be reinstated by the management as and when they apply. If they apply after one month from the date of the publication of the award, the management would not be bound to reinstate them.
- (2) That they will have continuity of service but shall not be entitled to back wages.
- (3) That the Union will not press the claim for reinstatement of S/Shri Nasuralla and K. D. Mishra who will remain dismissed.
- (4) That as gesture of goodwill, the management will pay Rs. 100 as costs of proceedings to the Union, Samyukta Khadan Mazdoor Sangh.

It is therefore prayed that an award be recorded in terms of the compromise settlement.

Sd/- J. N. MALLA,
Employers Representative.

Sd/- P. K. THAKUR,
Vice President.
Samyukta Khadan Mazdoor Sangh.

(Sd.) G. C. AGARWALA,
Presiding Officer.
19-3-69.

Dated 19-3-1969.
Jabalpur.

S.O. 1484.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of Shri F. Jeejeebhoy, Arbitrator, in the industrial dispute between the management of the Associated Cement Companies Limited, Sevalia Cement Works Limestone Quarries, Balasinor and Rojhwa and Kapadwanj and Amratpura Bauxite Mines and their workmen represented by Associated Cement Company Quarry Workers' Union, Balasinor, which was received by the Central Government on the 31st March, 1969.

(AWARD)

In the matter of the Arbitration between The Associated Cement Companies Ltd., Sevalia Cement Works Limestone Quarries, Balasinor and Rojhwa, and Kapadwanj and Amratpura Bauxite Mines, and their workmen.

Decision

PRESENT:

F. Jeejeebhoy, Barrister-at-law, Arbitrator.

Whereas by an Arbitration agreement dated 6th October, 1968, the parties abovenamed referred the dispute specified in the agreement to the arbitration of the Arbitrator abovenamed, and the said arbitration agreement was duly published in the Gazette of India Part II dated 30th November, 1968, at page 5488:

2. And whereas pending the said Arbitration proceedings the parties to the Arbitration Agreement as a result of certain changed circumstances have arrived at a settlement between themselves signed on 27th February, 1969, which is marked Annexure "A" to the petition of the parties dated 27th February, 1969:

3. And whereas the parties to the Arbitration Agreement have asked me as Arbitrator to permit them to withdraw the Reference as the disputes no longer survive:

Now therefore the arbitration proceedings are by request of parties hereby terminated as a result of changed circumstances including the agreement reached by the parties as stated in their petition filed before me and annexed hereto dated 27th February, 1969.

Signed by the Arbitrator at Bombay this the eighteenth day of March, 1969.

Sd./- Illegible.

Arbitrator.

EXECUTED ON A NON-JUDICIAL STAMP PAPER OF RS. 3-50 P.

COPY

BEFORE SHRI F. JEEJEEBHOY, ARBITRATOR, BOMBAY.

In the matter of Arbitration Agreement dated 6th October, 1968, under Section 10 A of the Industrial Disputes Act, 1947;

BETWEEN

The Associated Cement Companies Ltd., Sevalia Cement Works Limestone Quarries, Balasinor and Rojhwa, and Kapadwanj and Amratpura Bauxite Mines, P.O. Sevalia Cement Works (Dist. Kaira) W. Rly. Gujarat State.

AND

Its workmen as represented by A.C.C. Quarry Workers' Union, Balasinor

May it please the Hon'ble arbitrator

1. The Associated Cement Companies Ltd., Sevalia Cement Works Limestone Quarries, Balasinor and Rojhwa and Kapadwanj and Amratpura Bauxite Mines, (hereinafter referred to as 'the Company') and its workmen as represented by A.C.C. Quarry Workers' Union, Balasinor (hereinafter referred to as 'the Union') beg to state as follows:—

(1) That the Company and the Union signed Arbitration Agreement dated 6th October, 1968, referring the dispute mentioned in the said Agreement for adjudication by your Honour. The said Arbitration Agreement is published in the Gazette of India Part II dated 30th November, 1968, page 5488.

(2) That the Government of India by its Resolution No. WB-6(1)/68 dated 9th December, 1968, have decided that the recommendations of the Second Cement

Wage Board should be implemented from 13th February, 1968, instead of 1st December, 1967, and consequently the annual increments already granted by the Company on 1st January, 1968, under the First Wage Board's Recommendations will not be recovered by the Company.

(3) That the parties have given effect to the said Resolution dated 9th December, 1968, by signing settlement dated 27th February, 1969. A copy of the said settlement is attached and marked as Annexure 'A'.

2. The parties jointly pray that in terms of paragraph 3 of the said settlement dated 27th February, 1969. Your Honour may be pleased to permit the parties to withdraw the said reference as the dispute referred to Your Honour no longer survives.

Dated at Ahmedabad the 27th day of February, 1969.

Witnesses:

1. Sd./- B. P. JANI,
- 2 Sd./- B. N. BHATT,

For and on behalf of the Associated Cement Companies Ltd., Sevalia Cement Works Limestone Quarries, Balasinor and Rojhwa and Kapadwanj and Amratpura Bauxite Mines.

Sd./- P. S. LIMAYE,
Agent.

Sevalia Cement Works Limestone Quarries, Balasinor and Rojhwa and Kapadwanj and Amratpura Bauxite Mines.

For and on behalf of the workmen of the Associated Cement Cos., Ltd., Sevalia Cement Works Limestone Quarries, Balasinor and Rojhwa, and Kapadwanj and Amratpura Bauxite Mines.

Witnesses:

1. Sd./- GOVIND BHATT,
2. Sd./- M. C. TRIVEDI,

Sd./- NATHALAL A. SHAH,
Vice President,
A.C.C. Quarry Workers' Union, Balasinor.
Sd./- B. C. SHAH,
General Secretary,
A.C.C. Quarry Workers' Union, Balasinor.

ANNEXURE 'A'

EXECUTED ON NON-JUDICIAL STAMP PAPER OF RS. 3-50 P.

COPY

FORM H

Under Rule 58 of the Industrial Disputes (Central) Rules, 1957

Memorandum of Settlement

NAME OF PARTIES.—The Associated Cement Companies Ltd.,

Representing employers.—Sevalia Cement Workers Limestone Quarries, Balasinor & Rojhwa and Kapadwanj and Amratpura Bauxite Mines etc.

Represented by: Shri P. S. Limaye,

Agent,

Sevalia Cement Workers' Limestone Quarries, Balasinor and Rojhwa, and Kapadwanj and Amratpura Bauxite Mines.

Representing workmen.—A.C.C. Quarry Workers' Union, Balasinor.

Represented by:

- (1) Shri Nathalal A. Shah, Vice President,
- (2) Shri B. C. Shah, General Secretary,
A.C.C. Quarry Workers' Union, Balasinor.

Short Recital of the Case

Whereas the workmen represented by the A.C.C. Quarry Workers' Union, Balasinor (hereinafter referred to as 'the Union') and the Associated Cement Companies Ltd., Sevalia Cement Works Limestone Quarries, Balasinor and Rojhwa, and Kapadwanj and Amratpura Bauxite Mines (hereinafter referred to as 'the Company') have signed settlement dated 6th October, 1968 to implement the recommendations of the second Wage Board as modified and accepted by the Government by its Resolution No. WB-6(5)/67 dated 13th February, 1968;

And whereas the Government by its subsequent Resolution No. WB-6(1)/68 dated 9th December, 1968 have taken certain decisions in connection with the recommendations of the said Wage Board;

And whereas the Union and the Company desire that the decisions taken by the Government in the said Resolution dated 9th December, 1968 should be brought into force;

Now therefore, in pursuance of the above consideration, the parties enter into the following settlement:—

Terms of the settlement

1. The parties agree to implement the decisions taken by the Government of India by its Resolution No. WB-6(1)/68 dated 9th December, 1968 a copy of which is enclosed and marked as Annexure 'A'.

2. The parties further agree that the provisions of the settlement dated 6th October, 1968 a copy of which is annexed hereto and marked as Annexure 'B' which is in operation shall stand modified to the extent covered by the provisions of this settlement.

3. As the recommendations of the second Wage Board for Cement Industry are to be implemented retrospectively from 13th February, 1968 instead of 1st December, 1967 the annual increments already granted by the Company on 1st January, 1968 under the First Wage Board's Recommendations will not be recovered by the Company. The parties agree that as the dispute regarding the graded increments already granted by the company on 1st January, 1968 which has been referred by the parties to the arbitration of Mr. F. Jeejeebhoy under Section 10A of the I.D. Act does not now survive, the parties agree to make a joint application to the Arbitrator withdrawing the reference to arbitration.

4. As the second Wage Board's recommendations as modified and accepted by the Government of India by its two Resolutions dated 13th February, 1968 and 9th December, 1968 respectively are now to be implemented from 13th February, 1968, the parties agree to implement the same with effect from 13th February, 1968 and it is further agreed that the Management shall be entitled to make necessary and consequential adjustments and/or recoveries of the excess amounts which have been given to workmen as a result of the settlement dated 6th October, 1968, implementing the recommendations of the second wage board from 1st December, 1967.

5. This settlement will remain in force for a period of five years from the date of implementation of the recommendations i.e. from 13th February, 1968 and shall continue to be in force even thereafter till terminated by either party.

Dated at Ahmedabad this 27th day of February, 1969.

Signature of parties.—(1) For and on behalf of the Associated Cement Companies Ltd., Sevalia Cement Works Limestone Quarries, Balasinor and Rojhwa and Kapadwanj and Amratpura Bauxite Mines.

Witnesses.—(1) Sd./ B. P. JANI.

(2) Sd./- B. N. BHATT.

Sd./- P. S. LIMAYE

Agent

Sevalia Cement Works Limestone Quarries, Balasinor and Rojhwa and Kapadwanj and Amratpura Bauxite Mines.

(2) For and on behalf of the workmen of the Associated Cement Cos. Ltd.,
Sevalia Cement Works Limestone Quarries, Balasinor and Rojhwa and
Kapadwanj and Amratpura Bauxite Mines.

Witnesses:

- (1) Sd./- GOVIND BHATT.
- (2) Sd./-M. C. TRIVEDI.

Sd./- NATHALAL A. SHAH,
Vice President,
A.C.C. Quarry Workers' Union, Balasinor.
Sd./- B. C. SHAH,
General Secretary,
A.C.C. Quarry Workers' Union, Balasinor.

COPY

GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 9th December, 1968

RESOLUTION

No. WB-6(1)/68.—The Government of India announced in their resolution No. WB-6(5)/67 dated 13th February, 1968, their decisions on the Report of the Second Wage Board for Cement Industry. As stated in para. 4 of the said Resolution, the Wage Board's recommendations had been accepted subject to the following:—

- (a) The scales recommended in para. 6.23 of the Report for Grade IV and VI of clerical, lower technical and supervisory staff, shall be modified to read as follows:—

Grade IV: 125+(10x8 years) 205—EB (12x10 years)—325.

Grade VI: 150+(13x5 years) 213 (15x5 years)—290—EB—(20x8 years)—450.

- (b) The guaranteed increases recommended in para. 6.26 of the Report shall not be diluted by a revaluation of the residential accommodation already provided to and under the occupation of the existing employees

- (c) The recommendations shall be brought into operation from the 1st December, 1967.

2. Representations were received on behalf of the workers that implementation of the Wage Board's recommendations with effect from 1st December, 1967, would have some adverse effects on the emoluments of workers, which could not have been intended. It was also pointed out that a sizable number of workers had already reached the maximum of the pay scales recommended by the Wage Board and that many more workers were likely to reach the maximum in a few years. It was urged that some special provisions in respect of such workers would be necessary in order to promote a satisfactory, long-term settlement in the industry.

3. The Minister of Labour, Employment and Rehabilitation convened meetings on the 11th October, 1968 and 25th November, 1968, to explore mutually acceptable solutions to the issues raised and to ensure smooth implementation of the Wage Board's recommendations. These meetings were attended by the representatives of the Cement Manufacturers' Association and the representatives of the INTUC and AITUC besides the concerned Government Departments.

4. After carefully considering the views expressed in the above meetings, Government have taken the following decisions:—

- (a) The Wage Board's recommendations as accepted by Government by their Resolution dated the 13th February, 1968, shall be brought into operation from 13th February, 1968, instead of the 1st December, 1967, and shall remain in operation for a period of 5 years (Necessary adjustments may be made for this purpose, by those who have already implemented the recommendations with effect from 1st December, 1967); and

- (b) Workers who have reached the maximum of their pay scales or who would be reaching such maximum should be granted upto the 1st April, 1970, their normal annual increments in those scales notwithstanding the fact that the maximum of the scales has been reached earlier. Such increments will be in the nature of personal pay to the concerned workmen and will be made on an *ex-gratia* basis.

Sd./- P. C. MATHEW,
Secretary to the Government of India.

ORDER

Ordered that a copy of the Resolution be communicated to all concerned.

Ordered also that the Resolution be published in the Gazette of India for general information

Sd./- P. C. MATHEW,
Secretary to the Government of India

TRUE COPY

FORM H

Memorandum of Settlement

Under Rule 58 of the Industrial Disputes (Central) Rules, 1957

NAMES OF PARTIES

Representing Employers: The Associated Cement Companies Ltd., Sevalia Cement Works Limestone Quarries, Balasinor and Rojhwa and Kapadwanj and Amratpura Bauxite Mines, etc.

Represented by: Shri P. S. Limaye,
Agent

Sevalia Cement Works Limestone Quarries, Balasinor and Rojhwa and Kapadwanj & Amratpura Bauxite Mines.

Representing Workmen: A.C.C. Quarry Workers' Union, Balasinor,

Represented by : 1. Shri V. K. Trivedi, President,
2. Shri B. C. Shah, General Secretary.

A.C.C. Quarry Workers' Union, Balasinor.

Short Recital of the Case

Whereas the Government of India by Resolution No. WB-6(3)/64 dated 2nd September 1964 appointed a Second Wage Board for the Cement Industry;

And whereas the said Wage Board submitted its final report to the Government on 14th August 1967;

And whereas the Government accepted the recommendations of the said Wage Board subject to certain modifications by its Resolution No. WB-6(5)/67 dated 13th February 1968 and have requested that the Recommendations as accepted should be implemented retrospectively from 1st December 1967.

Now, therefore, in consideration of the above and in further consideration of the mutual benefits, the parties mutually agree and enter into the following settlement:—

Terms of the Settlement

1. The parties agree that the recommendations of the Second Wage Board as accepted by the Government of India vide its Resolution No. WB-6(5)/67 dated 13th February 1968 shall be implemented retrospectively with effect from 1st December 1967.

2. The parties agree that the provisions of the Settlement dated 2nd August 1960 (a copy of which is annexed) in operation shall stand modified and superseded on implementation of the recommendations of the Second Wage Board in so far as and to the extent only the said provisions are covered by the recommendations of the Second Wage Board.

3. The parties further agree to refer the following dispute under Section 10A of the Industrial Disputes Act, 1947, for the arbitration of Mr. F. Jeejeebhoy, Last President of the Labour Appellate Tribunal of India, Residing at 'Firuz Ara', 160, Queen's Road, Churchgate Reclamation, Bombay-1:—

"Whether on implementation of the recommendations of the Second Wage Board for Cement Industry with effect from 1st December 1967, the Company is justified in its stand to grant first graded increment under the new wage/salary scales from 1st December 1968 and whether the graded increments already granted by the Company on 1st January 1968 under the First Wage Board's recommendations can be recovered."

4. In the event of the Company granting any additional benefit under the recommendations of the Second Wage Board at any of its other operating Cement Works it is agreed that such additional benefit, if any, will also be given to the workmen at Sevalia Cement Works.

5. It is agreed that wages for the month of October 1968 will be paid at the revised rates as per the recommendations of the Second Wage Board as accepted by the Government of India. The Company will try its best to pay the arrears of wages for the period December 1967 to September 1968, by 19th October 1968. If, however, the calculations regarding arrear payments are not completed by 19th October 1968, the Company would pay advance against such arrears by 19th October 1968, and the advance so made would be adjusted against the final payment of arrears.

Dated at Sevalia, on Sixth day of October 1968.

Signatures of Parties : 1. For & on behalf of the Associated Cement Companies Ltd. Sevalia Cement Works Limestone Quarries, Balasinor & Rojhwa and Kapadwanj and Amratpura Bauxite Mines.

Witness:

(Sd.) B. P. JANI,
(Sd.) J. M. SHASTRI,

(Sd.) P. S. LIMAYE,

Agent

Sevalia Cement Works Limestone Quarries, Balasinor and Rojhwa and Kapadwanj and Amratpura Bauxite Mines.

2. For & on behalf of the Workmen of the Associated Cement Companies Ltd., Sevalia Cement Works Limestone Quarries, Balasinor & Rojhwa and Kapadwanj and Amratpura Bauxite Mines.

Witness:

(Sd.) P. M. PARMAR,
(Sd.) G. O. BHATT,

(Sd.) V. K. TRIVEDI,
President.

A.C.C. Quarry Workers' Union, Balasinor.

(Sd.) B. C. SHAH,
General Secretary,

A.C.C. Quarry Workers' Union, Balasinor.

Copy to : 1. Shri J. B. Bhatt, Conciliation Officer and Asst. Commissioner of Labour, Office of the Commissioner of Labour, Multi Storeyed Bldg., Lal Darwaja, Ahmedabad.

Copy to : 2. The Regional Labour Commissioner (Central), 161/X, Civil Lines, Ajmer.

Copy to : 3. The Chief Labour Commissioner (Central), New Delhi.

Copy to : 4. The Secretary to the Govt. of India Ministry of Labour, New Delhi.

TRUE COPY
GUJRAT STATE
Re. 1-50 nP. Stamp
Memorandum of Settlement

NAMES OF PARTIES

Representing Employers : Shri P. H. Adrianwalla, Agent, The Associated Cement Cos. Ltd. Sevalia Cement Works, Sevalia, Limestone Quarries, Balasinor.

Representing Employees : (1) Shri N. A. Shah, Vice President,
(2) Shri V. K. Trivedi, Gen. Secretary, Sevalia Cement Workers' Union, Sevalia.

Short recital of the case

1. Whereas the Government of India by a Resolution No. WB-6(57) dated 2nd April 1958 constituted a Tripartite Central Wages Board for the Cement Industry.

2. And whereas the Wage Board submitted its Recommendations and specified that they should come into force from 1st January, 1960;

3. And whereas the Report has been published and the Government have accepted the recommendations of the Wage Board in terms of the Government's Resolution No. WB-6(57) dated the 29th February 1960;

4. And whereas the Government have further recommended that the Report should be implemented voluntarily by both the employers and the workers;

5. And whereas the Company is implementing the Recommendations as read with the said Government Resolution dated 29th February 1960, accordingly with effect from 1st January, 1960;

6. And whereas it is proposed to pay the arrears under the Recommendations on or before 31st August 1960;

7. And whereas the subject matters of certain provisions of settlements and Awards (including the Award dated 21st September 1953 in the Labour Appellate Tribunal of Inida and the Settlement dated 5th June 1959) presently in operation at the Quarries have been covered by the Recommendations of the Wage Board;

8. And whereas the provisions in such settlement and awards have become infructuous on putting into effect the Recommendations of the Wage Board;

9. Now therefore in consideration of the above and in further consideration of the mutual benefits and advantages set out below, the parties mutually agree and enter into the following settlement.

Terms of Settlement

10. This is a Settlement under the Industrial Disputes Act, as amended, and the Rules thereunder.

11. The Parties agree that the provisions of awards and settlements in operation shall stand terminated and cease to be in force, on implementation of the Recommendations of the Wage Board, in so far as and to the extent only the said provisions are covered by such Recommendations.

12. The provisions of existing awards and settlements concerning matters which are not covered by the Wage Board Recommendations shall continue to be in force.

13. The Parties accept the Recommendations of the Wage Board and agree that may be implemented as recommended from 1st January 1960.

14. The parties further agree that wages/salary, dearness allowance, house rent allowance, etc., payable to workers may be worked out in accordance with the Recommendations.

15. In regard to disputes arising out of the implementation of the Recommendations and the application or working out of the Recommendations in individual cases or categories, the Union reserves the right for raising the same as stipulated in the Recommendations.

For and on behalf of the
Associated Cement Companies Limited,
(Sd.) P. H. ADRIANWALLA,
Agent
Sevalia Cement Works Limestone Quarries,
Balasinor.

For and on behalf of the
Workmen of the Associated Cement Cos. Limited,
Sevalia Cement Works, Limestone Quarries,
Balasinor.

(Sd.) NATHALAL A. SHAH,
Vice President,
Sevalia Cement Workers' Union, Sevalia.
(Sd.) V. K. TRIVEDI,
General Secretary,
Sevalia Cement Workers' Union, Sevalia.

Witnesses :

- (1) (Sd.) C. M. DESAI,
- (2) (Sd.) MANUBHAI C.

Dated 2nd August 1960.

;;sn. et

Copy to:—The Conciliation Officer (Central),

Copy to:—The Regional Labour Commissioner (Central),

Copy to:—The Chief Labour Commissioner (Central),

Copy to:—The Secretary to the Government of India, Ministry of Labour, New Delhi.

Copy to:—The Conciliation Officer, & Asstt. Commissioner of Labour, Ahmedabad.

[No. 36/38/68-LRI.]

New Delhi, the 8th April 1969

S.O. 1485.—In exercise of the powers conferred by section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2286, dated the 4th July, 1967, as amended from time to time, namely:—

In the said notification, in the second paragraph, for the words and figures "before the 16th April, 1969", the words and figures "before the 1st May, 1969" shall be substituted.

[No. 17/10/66-LR.IV.]

S.O. 1486.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Central Bank of India Limited and their workmen, which was received by the Central Government on the 1st April, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 51 of 1968

PARTIES:

Employers in relation to the Central Bank of India Limited, Calcutta.

AND

Their workmen.

PRESENT:

Shri B. N. Banerjee, Presiding Officer

APPEARANCES :

On behalf of the employers.—Shri A. N. Chatterjee, Law Officer.

On behalf of workmen.—Shri Sushil Ghose, General Secretary, Bengal Provincial Bank Employees Association, instructed by Shri Tarakeswar Chakrabarti, Secretary, Central Bank of India Employees' Association.

STATE: West Bengal.

INDUSTRY: Banking.

AWARD

By Order No. 23/41/68-LRIII, dated September 13, 1968, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the following industrial dispute between the employers in relation to the Central Bank of India Limited, Calcutta, and their workmen, to this tribunal, for adjudication, namely:

"Whether the action of the management of the Central Bank of India Limited, Calcutta Main Office, in withholding the due increment of Shri Haridas Saha, Business Canvasser (Junior Officer) for the years 1959 to 1963 was justified? If not, to what relief is the employee entitled?"

2. On behalf of the workman, there was a written statement filed by the Central Bank of India Employees' Association, a trade union. According to this written statement, Haridas Saha, the workman concerned in this industrial dispute, was originally appointed in the Central Bank of India Limited as a Junior Officer, in or about 1946, and resigned of his own accord in 1954. Haridas Saha, who himself deposed, does not, however, fully bear out this statement of the written statement. According to him, he joined the services of the bank in 1949 and resigned in 1954. Be that as it may, it is common case that he was re-appointed, at his own prayer, in 1958, as a Business Canvasser and was posted at the Kidderpur branch of the Bank. The case made by the Employees' Association, on behalf of the workman, as pleaded in the written statement, is:

"That, ever since his reappointment Shri Saha has been performing the duties assigned to him from time to time by the Management, to the best of his ability, capacity and devotion. No adverse reports were ever brought to his notice by the Management about his work, conduct and efficiency.

That, inspite of his satisfactory performance of work, he was not granted any graded annual increments by the Management for the years from 1959 to 1963 and the first graded increment was given to him in 1965 for the year 1964. For such arbitrary, unwarranted and unjustified actions on the part of the management no reasons were assigned for and never Sri Saha was intimated of the reasons in support of Management's action in depriving him of his due annual increments. It may be mentioned here that during this period all other Junior Officers of the Bank were given their due increments on respective anniversary dates and the withholding of Sri Saha's increment is thus discriminatory, apart from being unjust and unfair.

That, Sri Saha made in vain from time to time representations to the Management praying for the release of his due increments. On denial of the Management, the matter was taken up on his behalf by the Association. The Management while sanctioning him for the first time the graded increment in 1965, and thereafter every year have, however, not agreed to release his past increments for the years mentioned above."

The above inaction on the part of the management has given rise to the present industrial dispute according to the Employees' Association.

3. Against the case made on behalf of the workman, there is a two-pronged attack contained in the written statement filed on behalf of the Central Bank of India Limited. The first prong of attack is legalistic and is contained in paragraphs 3 and 4, which I set out below:

"3. That Sri Haridas Saha was appointed as a Business Canvasser (Junior Officer) and that although his designation is Business Canvasser but on or before the date of the Order of Reference his main duties

comprised of checking the work of clerks in Bills Payable Departments. He is a Junior Officer and he is drawing emoluments exceeding Rs. 500 and as such he is not a workman as defined in Section 2(s) of the Industrial Disputes Act.

4. That the alleged dispute, if any, is not an Industrial dispute, the question of not allowing graded annual increment for the years 1959 to 1963 cannot be a subject matter of an Industrial dispute in as much as neither the terms of employment nor the conditions of labour of the alleged workman is in jeopardy."

The second prong of attack is against the merits of the claim and is contained in paragraph 12 of the written statement, which also I set out below:

- "12. That in the years 1959 to 1963 Shree Haridas Saha was found negligent and careless in the discharge of his duties. His attendance was also found highly irregular. The details of his irregularities, inefficiencies, unsatisfactory acts and conduct will be submitted at the time of hearing. Due to the adverse remarks received against him, his annual increment for the years 1959 to 1963 had been stopped. The granting of annual increment is always dependant on good work and good conduct report, but in the case of Sri Haridas Saha there was no such report during those years and so his annual increments were not granted; and these irregularities were every time brought to the knowledge and Sri Haridas Saha and he was asked to improve during those years, but he did not."

4 Now, if the first point of attack succeeds, which is characterised as an attack against the jurisdiction of the Tribunal, then I need not decide the other point. Even then, I shall deal with the second point later on, so that if I happen to be wrong in my award on the preliminary point, the matter need not be remanded to me for decision on merits. Section 2(s) of the Industrial Disputes Act defines the term 'workman'. After amendment by Act 36 of 1956, the section stands as follows:

- "2(s) 'workman' means any person (including an apprentice) employed in any industry to do any skilled or unskilled manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be expressed or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person—

(i) ***

(ii) ***

(iii) who is employed mainly in a managerial or administrative capacity; or

(iv) who being employed in a supervisory capacity, draws wages exceeding five hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature."

In explaining the section, Hidayatullah, J. (as he then was) observed in *All India Reserve Bank Employees' Association and another vs. Reserve Bank of India and another* (1965) II LLJ., 175 (at 186-87):

- "The argument is extremely ingenious and the simile interesting, but it misses the realities of the amendment of the Industrial Disputes Act in 1956**. The amending Act of 1956 introduced among the categories of persons already mentioned persons employed to do supervisory and technical work. So far the language of the earlier enactment was used. When, however, exceptions were engrafted, that language was departed from in Cl. (iv) partly because the draftsmen followed the language of Clause (iii) and partly because from persons employed on supervision work some are to be excluded because they draw wages exceeding Rs. 500 per month and some because they function mainly in a managerial capacity or have duties of the same character. But the unity between the opening part of the definition and Clause (iv) was expressly preserved by using the word 'such' twice in the opening part. The words, which bind the two

parts, are not—but does not include any person'. They are—'but does not include any person' showing clearly that what is being excluded is a person who answers the description 'employed to do supervisory work' and he is to be excluded because being employed in a 'supervisory capacity' he draws wages exceeding Rs. 500 per month or exercises functions of a particular character.

***the amending Act of 1956 in our country was passed to equalize bargaining power and also to give the power of bargaining and invoking the Industrial Disputes Act to supervisory workmen, but it gave it only to some of the workmen employed on supervisory work. 'Workman' here includes an employee employed as supervisor. There are only two circumstances in which such a person ceases to be a workman. Such a person is not a workman if he draws wages in excess of Rs. 500 per month or if he performs managerial functions by reason of a power vested in him or by the nature of duties attached to his office. The person who ceases to be a workman is not a person who does not answer the description 'employed to do supervisory work' but one who does answer that description. He goes out of the category of 'workman' on proof of the circumstances excluding him from the category."

Bearing in mind the above statement of law, I have to see first of all what wages the workman was drawing at the material time. 'Wages', as I need remind myself, means [as defined in Section 2(rr) of the Industrial Disputes Act]:

"2(rr) **all remuneration capable of being expressed in terms of money, which would, if the terms of employment, expressed or implied, were fulfilled, be payable to a workman in respect of his employment or of work done in such employment, and includes—

- (i) such allowances (including dearness allowance) as the workman is for the time being entitled to;
- (ii) the value of any house accommodation, or of supply of light, water, medical attendance or other amenity or of any service or of any concessional supply of food-grains or other articles;
- (iii) any travelling concession;

but does not include—

It appears from the appointment letter of the workman, dated May 27, 1958 (Ext. A), that he was appointed as a Business Canvasser 'on a monthly salary of Rs. 225/- plus dearness allowance at the bank's scale, namely Rs. 90/- and temporary additional allowance at Rs. 12.85 nP per month'. It further appears from Ext. 7, that from September 1967 onwards he was drawing total wages amounting to Rs. 920/- which rose upto Rs. 975/- per month. How and when his wages shot up for the first time to Rs. 920/-, of course, does not appear from the exhibit. The industrial dispute over the workman concerned was raised, as was admitted before me, in February, 1968. Prior to that time, as appears from Ext. 7, his wages had risen to Rs. 920. He thus satisfies the description of a person drawing wages exceeding Rs. 500/-. The question that remains for me to decide is whether he was employed in a supervisory capacity or whether he exercised, either by nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature. In his examination-in-chief the workman, Haridas Saha, deposed:

"As a Junior Officer, I had no right to exercise any administrative function. I was not entrusted or vested with power to exercise functions managerial in nature. I was not given any power of attorney by the bank. As a Junior Officer my duty was to check the work of clerks in the Savings department."

He was not cross-examined on this point. The witness who was examined on behalf of the bank knows nothing about this particular workman. Therefore, the evidence is one sided. The question that remains for me is whether by virtue of the fact that he was entrusted with duty to check, he may be said to have been employed in a supervisory capacity. In the case of *Lloyds Bank Ltd. vs. Panna Lal Gupta and others* (1961) 1 LLJ 18, the dispute before the Supreme Court was whether the three employees working in the audit department of the New Delhi branch of the Lloyds Bank were entitled to a special allowance as

prescribed in Paragraph 164(b) of the All India Industrial Tribunal (Bank Disputes) award, commonly known as 'Sastri award', as modified by Section 3 of the Industrial Disputes (Banking Companies) Decision Act, 1955. The employer contended before the Industrial tribunal that considering the nature of duties performed by the employees, they could not be considered 'supervisors' falling within the category of paragraph 164(b) of the Bank award. The Industrial tribunal, however, held that concerned employees discharged the functions and duties of supervisors entitling them to ask for special allowance prescribed by the paragraph. Aggrieved by the decision, the Bank obtained Special Leave to appeal before the Supreme Court. In that context the Supreme Court observed:

"However, before a clerk can claim a special allowance his work must appear to have some element of supervisory character. The work that is done by the clerks in the audit department substantially consists of checking up books of accounts and entries made in them. This checking up is primarily a process of accounting, and the use of the word 'checking' cannot be permitted to introduce a consideration of supervisory nature. The work of checking the authority of the person passing the voucher or to enquire whether the limit of authority has been exceeded is also no doubt work of a checking type but the checking is purely mechanical and it cannot be said to include any supervisory function. If we take into account the six classes of clerks specified in Clause 9, it would suggest that in respect of each one of them there would normally be some persons working under the persons falling in that clause; in other words, a person claiming the status of a supervisor in Clause 9 would normally have to supervise the work of some others who are in a sense below him. On the argument urged by Mr. Ramamurti every clerk working in the audit department would be a supervisor and as such would be entitled to draw a monthly special allowance of Rs. 50 though in the general hierarchy of the banks' employees he may be much below the head clerks or head cashiers who draw Rs. 20 as monthly allowance. The tribunal has characterized the work of these clerks as internal auditors but that obviously is an overstatement. Audit, in the sense in which the word 'internal audit' is understood, is very different from the work of checking which is entrusted to the clerks in the audit department. Similarly, when the tribunal has observed that the clerks in the audit department supervise the work of almost all the persons in that establishment that again is obviously an overstatement. It would be legitimate to say that the work done in the audit department is important for the proper and efficient functioning of the bank, but it would be idle to elevate that work to the status of officers who supervise the work of everybody concerned with the bank's establishment. In our opinion, therefore, the conclusion drawn by the tribunal as regards the status of the three workmen by reference to the ninth category specified in Para 164(b) of the award is manifestly erroneous and cannot be sustained."

In the instant case, we have the evidence of the workman that his duty was to check the work of clerks in the Savings department. Now, whether that checking was supervisory checking or routine checking (as done by Special Assistants under the bipartite Settlement known as Settlement on the Industrial Disputes between certain Banking Companies and their workmen, p. 73) does not appear. Without more, I am not in a position to hold that the workmen concerned was employed in a supervisory capacity or was engaged in discharging managerial functions. Thus, the position is that here is a workman who was drawing wages exceeding Rs. 500 but there is no evidence that he was employed in a supervisory or managerial capacity. He does not, therefore, fall within the exception in clause (iv) to Section 2(s) of the Industrial Disputes Act. I have, therefore, to proceed on the basis that the preliminary objection as to jurisdiction of this tribunal, namely, that Haridas Saha was not a workman and not entitled to raise an industrial dispute must be over-ruled.

5. I now turn to the merits of the case. Assuming for the sake of argument that the workman concerned had taken sick leave on false pretext, as was sought to be argued on the basis of documents Exts. 1, 2, 3, 4, 8 and 9 or that he was wrongly using the description 'Business Organiser' against his name as was sought to be argued on the basis of the document Ext. 5, or that he was negligent in the conduct of his duty, as it was stated in the written statement of the bank,

all these amounted to misconduct under the different Bank awards, take for example, Sastri award or the Desai award and deserved to be dealt with according to the prescribed procedure namely by service of a notice to show cause on the delinquent before penalising him with stoppage of increment of wages. That stoppage of increment of wages was a form of punishment was admitted by the witness who deposed on behalf of the Bank. There is no evidence that any notice to show cause was ever served upon the workman concerned for his misconduct as alleged. Therefore, the case on merits that the workman was penalised by stoppage of increment for misconduct must be over-ruled, because there is no evidence that it was so ordered after following the prescribed procedure or so ordered at all. I, therefore, over-rule the contentions against the merits of the claim.

6. In the result, I hold that the action of the management of the Central Bank Ltd. Calcutta main office, in withholding the due increments of Haridas Saha, Business Canvasser (Junior Officer) for the years 1959 to 1963 was not justified. He is, therefore, entitled to all the increment that was due to him during that period.

This is my award.

Dated.—March 27, 1969.

(Sd.) B. N. BANERJEE,
Presiding Officer.
[No. 23/41/68/LRIIL.]

New Delhi, the 9th April 1969

S.O. 1487.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of Shri O. Maheepathi, Arbitrator in the industrial dispute between the management of Messrs Bikaner Gypsums Limited, Bikaner and their workmen represented by Rashtriya Gypsum Karamchari Sangh, Jamsar and Gypsum Mine Workers Union, Bikaner, which was received by the Central Government on the 26th March, 1969.

ARBITRATION AWARD UNDER SECTION 10A OF THE INDUSTRIAL DISPUTES ACT, 1947.

PRESENT:

Shri O. Maheepathi, Deputy Chief Labour Commissioner (Central) & Arbitrator.

PARTIES TO THE DISPUTE:

Representing management.—1. Shri H. Choudhury, Agent, M/s. Bikaner Gypsums Ltd., Bikaner.

2. Shri A. K. Mukherjee, Personnel Manager, M/s. Bikaner Gypsums Ltd., Bikaner.

Representing workmen.—1. Shri Dilbagh Singh, Vice-President, Rashtriya Gypsum Karamchari Sangh, Jamsar (Bikaner).

2. Shri V. N. Gupta, Secretary, Gypsum Mine Workers Union, Bikaner.

By an arbitration agreement signed on 6th December, 1968 by the representatives of the management of M/s. Bikaner Gypsums Ltd., Sadul Club Building, Bikaner and their workmen represented by Rashtriya Gypsum Karamchari Sangh, Jamsar and Gypsum Mine Workers Union (hereinafter called "unions" for brevity's sake) under Section 10A of the Industrial Disputes Act, 1947 published by the Government of India, vide Department of Labour & Employment Order No. 24/59/68-LRI dated 9th January 1969, as S.O. No. 262 in the Gazette of India Part II Section 3 Sub-Section (ii) dated 18th January 1969, the following specific matter in dispute was referred to my arbitration:—

"(a) Whether the proposed amendment in T.A. Rules of Bikaner Gypsums Ltd. applicable to the employees drawing basic salary or wages less than Rs. 200 as notified by the management in their notice dated 24th May, 1968, is legal and justified and if not, to what relief the workmen are entitled?

(b) Whether the proposed amendment in T.A. Rules of Bikaner Gypsums Ltd. applicable to the employees drawing basic salary of Rs. 200 and above but less than Rs. 500 as notified by the management in their notice dated 17/24th September 1968 is legal and justified and if not, to what relief the workmen are entitled?"

2. On receipt of the arbitration agreement, I had called upon the parties on 21st January, 1969, to file their statements within a week of receipt of my retier and also requested them to exchange the statements and furnish their comments thereon if any within 3 days of their receipt. I had also proposed to hear the parties during my visit to Bikaner from 31st January 1969 to 2nd February 1969, but the parties could not file their statements by that time and as they were not ready for the hearing, I had to adjourn the proceedings and thereafter heard them on 17th March, 1969 at Bikaner.

3. The genesis of the dispute was that the management of the Bikaner Gypsum Ltd. had issued two notices (referred to in the specific matter in dispute) under Section 9A of the Industrial Disputes Act intimating the unions of their intention to effect certain changes in the existing T.A. Rules of the Company. Both the unions protested against the issue of the notices and raised an industrial dispute which was taken up in conciliation by the Assistant Labour Commissioner (Central), Ajmer at whose instance the parties agreed to get the matter settled by referring the same for arbitration under Section 10A of the Industrial Disputes Act, 1947. In this connection, it may be mentioned that the parties to the present dispute had entered into a long term settlement on 2nd October, 1967, one of the terms of which was that the current Promotion & Selection Rules, House Allowance & House Allotment Rules and Travelling Allowance Rules shall be modified in consultation with the unions within 30 days from the date of the settlement. According to the management, they had submitted their modified Travelling Allowance Rules to the unions on 27th December 1967 for their suggestions and comments, but as the same were not forthcoming and the unions were not also coming forward for discussions in the matter, the management was forced to issued its notices dated 24th May, 1968 and 17/24th September 1968. The unions however contended that the management had failed to implement the terms of the settlement dated 2nd October 1967 in so far as this item was concerned inasmuch as the management did not consult the unions within 30 days from the date of the settlement and they alleged that the unilateral action taken by the management in issuing the notices was not only illegal but unjustified. The two notices in question relate to the entitlement of workers to travel by a certain class on the Railway. According to the existing T.A. Rules, the employees are classified into four grades and are entitled to the class of accommodation for rail journeys as indicated below:—

Grade	Pay range	Entitled class
I Grade	Employees drawing a salary of Rs. 1000 & over a month.	I class or ACC or the highest class available in the train etc.
II Grade	Employees drawing a salary of Rs. 200 or more but less than Rs. 999 a month.	II class
III Grade	Employees drawing a salary of Rs. 50 or more but less than Rs. 199 a month.	Intermediate class.
IV Grade	Employees drawing a salary of less than Rs. 49 a month.	III class

After the abolition of intermediate class in Railways, amendments to the above entitlements were made according to which intermediate class was replaced by II class and II class by I class. At present, the employees in Grades IV, III and II are entitled to travel by III, II and I class respectively.

4. By the notices dated 24th May 1968 and 17/24th September 1968, the management had proposed to alter the entitlements whereby the employees drawing a monthly basic salary of less than Rs. 200 would be entitled to III class and those drawing a salary of Rs. 200 and above but less than Rs. 500 to II class (non-air-conditioned). According to the reasons given in the notices by the management, there have been substantial increases in the emoluments of workmen as a result of revision in the grade structure, linking of D.A. with the consumer price index numbers, grant of special step increments as a result of the memorandum of settlement dated 2nd October 1967 and because of these, some of the employees who are now entitled to the lower class will be entitled to a higher class for which, according to them, there is no justification. In their written statements and in oral submissions during the arbitration proceedings, the representatives of the management also submitted that if the existing entitlement of rail travel is continued, it would involve the company in more financial commitment which it cannot bear. They pointed out that by the revision of

the emoluments, some of the lowest category workers like Peons would be entitled to travel in II class which was not their intention while revising their grade structure upwards.

5. The unions on the other hand both in their written statements as well as in their oral submissions opposed the revision on many grounds and said that the management have taken recourse to such unilateral action as they knew that the unions would press for the revision of halstage allowances which were fixed as early as 1955. They also submitted that the notices were illegal inasmuch as they were contrary to the terms of the settlement dated 2nd October 1967 which enjoined on the management that the modification of the Travelling Allowance Rules shall be made in consultation with the unions within 30 days from the date of that settlement, and that it was also bad in law besides being unjustified because it adversely affected the existing rights of the employees. They therefore prayed that an award in favour of the workers concerned may be granted directing the management to withdraw its notices and to allow the workers concerned to continue to enjoy travelling concessions etc. on the basis of the existing T.A. Rules until such time when the whole set of the Rules is revised.

6. After some discussions, both the parties requested that I should deal not only with the matter relating to entitlement of rail travel which has been referred to me for arbitration but also assist them in coming to a reasonable settlement with regard to the question of halstage allowances. Hence both the entitlement of rail travel and halstage allowances were discussed and the parties agreed to my suggestion that the entitlement of rail travel and halstage allowances may be determined as indicated below:—

(i) *Classification of employees and entitlement of rail travel:*

IV Basic pay up to Rs. 64 per month	III class
III Grade Basic pay from Rs. 65 to Rs. 210 per month	II class
II Grade Basic pay from Rs. 211 to Rs. 500 per month	I class

(ii) *Halstage allowances:*

Pay up to Rs. 49 per month	Rs. 4/- per day
Pay from Rs. 50 to Rs. 74 per month	Rs. 5/- per day
Pay from Rs. 75 to Rs. 124 per month	Rs. 6/- per day
Pay from Rs. 125 to Rs. 210 per month	Rs. 8/- per day
Pay from Rs. 211 to Rs. 399 per month	Rs. 10/- per day
Pay from Rs. 400 to Rs. 500 per month	Rs. 12/- per day

(iii) The employees' entitlement to get daily allowance at double and at 1½ times the rates mentioned above as daily allowance in respect of certain places as provided for in the existing T.A. Rules will however continue.

(iv) These revised T.A. Rules will come into effect from 1st April 1969.

7. In view of the foregoing, there is no necessity for me to determine as to whether the notices in question were legal and justified. The notices were however technically defective. I therefore give my award in terms of the agreement recorded by the parties before me on 17-3-69 as mentioned in para. 6 above. The existing T.A. Rules, especially Rules 6, 8 and 19, should be amended as indicated in para. 6 above. These revised T.A. Rules shall come into force with effect from 1st April 1969.

8. As I am to confine my award to "workmen" under the Industrial Disputes Act, the entitlement of rail travel and halstage allowances with regard to those employees drawing more than Rs. 500/- per month have not been dealt with here and the management may take appropriate action to revise the existing T.A. Rules in their case also if they so desire.

9. I give my award accordingly.

New Delhi, March 25, 1969

(Sd.) O. MAHEEPATHI,
Deputy Chief Labour Commissioner
(Central) & Arbitrator.

[No. 24(59)/68-LRI].

S.O. 1488.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to Kiriburu Iron Ore Mines of the National Minerals Development Corporation Limited and their workmen, which was received by the Central Government on the 4th April, 1969.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947

REFERENCE No. 44 OF 1968

PARTIES:

Employers in relation to Kiriburu Iron Ore Mines of the National Mineral Development Corporation Limited.

Versus

Their Workmen.

PRESENT:

Shri Kamla Sahai—*Presiding Officer.*

APPEARANCES:

For the Employers.—Shri J. P. Sharma, Personnel Officer.

For the Workmen.—Shri R. K. Nair, General Secretary, N.M.D.C. Mines Workers' Union, Kiriburu.

STATE: Bihar.

INDUSTRY, Iron Ore

Dhanbad, dated the 26th February 1969

AWARD

By its order No. 24/2/68-LRI dated the 24th May, 1968, the Central Government, in the Ministry of Labour, Employment and Rehabilitation, has made this reference to this Tribunal for adjudication of a dispute between the National Mineral Development Corporation and its workmen represented by the N.M.D.C. Mine Workers Union, Kiriburu, which has been described in the schedule as follows:

SCHEDULE

“Whether the workmen of Kiriburu Iron Ore Mine are entitled to the following facilities free of charge with effect from the 1st May, 1967.

- (1) Housing accommodation,
- (2) Supply of electricity,
- (3) Transport to and from residences to place of Work,
- (4) Conservancy services.

If not, to what relief are the workmen entitled?”

2. The Kiriburu Iron Ore Mines, also known as Kiriburu Iron Ore Project, situated in the Singhbhum district of the State of Bihar are owned by the National Mineral Development Corporation Limited. The Corporation has undertaken the development of this Project as well as three other projects situated in different parts of the country. The entire paid-up capital of this Corporation has been subscribed by the Government of India, all its share being held by the President of India.

3. The dispute is confined to the management on one side and to the monthly-rated workmen of the Corporation on the other. The management's case is that the township of Kiriburu came into existence early in 1964 and that, before that year, there was no housing facility to any workman although a negligible number of workmen were temporarily accommodated in temporary quarters and tents during the stage of constructions. Free housing, free electricity, free transport and free conservancy services never formed part of the conditions of their service, implied or otherwise. As a matter of abundant caution, however, the management issued notices under section 9A of the Industrial Disputes Act in June, 1964, notifying that it proposed to realise charges at rates prescribed in the notice for the above services. The workers raised dispute and the matter went into conciliation.

Ultimately, both parties agreed to refer their dispute to the Arbitration of Shri L. P. Dave under section 10-A of the Act. There was no union of workmen and hence the workmen elected five representatives to represent them. All of them joined in making the reference to arbitration. Thereafter the workmen were represented before the Arbitrator by a Lawyer and also one of the representative of the Workmen. After prolonged negotiations, a compromise was reached. The compromise was filed before the Arbitrator who accepted it and gave an award in accordance with the compromise. The Government of India published the award in the official Gazette and it became enforceable. The workmen's allegation that the award has been terminated is wrong because the alleged termination is not lawful and valid. The award, therefore, continues. A part of the award was that the management would give increments to the workmen so as to compensate them to the extent of half of the total amount of the charges which became payable by them. These increments were given. The benefit was taken by the workmen and for this reason also, they cannot go back upon the compromise award.

3 The management's case further is that there has been no change in charges payable by the workmen in respect of (i) housing, (ii) electricity, (iii) transport and (iv) conservancy services. The charges are extremely low and no abolition or reduction of these charges can be held to be justified.

4 Shortly stated, the union's case is that the management brought one of the workmen's five representatives into collusion and got the compromise filed with only his signature on behalf of the workmen. The compromise filed before the Arbitrator, Shri L. P. Dave, was, therefore, invalid and not binding upon the workers. In any case, the Union gave valid notice of termination of the award on the 9th January, 1967. Hence the award did not remain binding upon the Union. The workers enjoyed free housing, electricity, transport and conservancy services so that free enjoyment of these facilities became an implied condition of service.

5. After the hearing of this case began, Shri Nair, the General Secretary and spokesman of the Union, and Shri J. P. Sharma, Personnel Officer and spokesman of the company, filed a joint statement of facts, showing the extent to which both agreed. The facts stated in this joint petition may be summarised as follows:—

- (i) The management issued notices under section 9A of the Industrial Disputes Act on the 9th June and 22nd July, 1964, for effecting recoveries on account of house rent, transport, electricity and conservancy.
- (ii) On the 16th June, 1964 the workmen made a representation to the Regional Labour Commissioner (C), Dhanbad. Conciliation proceedings were commenced.
- (iii) At the joint request of both parties the dispute was referred for arbitration to Shri L. P. Dave under Section 10A of the Industrial Disputes Act. Notification No 23/28/64-LRI dated 5-4-1965 under reference No. ABN(1) of 1965 was published in this connection in the Gazette.
- (iv) The parties arrived at a compromise on 29-11-1965 and it was presented to the Arbitrator so that he should pass an award in terms thereof. The Arbitrator passed an award accordingly and ordered that it will have effect from 1-12-1965.
- (v) The Arbitrator directed that 50 per cent of the charges on account of the recoveries relating to the four items in question would be compensated by the management by way of grant of increments in the basic pay in the existing scale to the workmen.
- (vi) On the 24th January 1966 the union challenged the validity of the arbitration award on the ground that only one workers' representative out of five had signed the compromise.
- (vii) The management and the union made a joint application to the Government of India under Section 10(2) of the Act on the 20th July, 1966, for reference of the dispute raised by the union. This has resulted in the present reference.
- (viii) The union gave notice under section 19(2) of the Act on 9-1-1967 and terminated the arbitration award.

6. It is to be noticed that, while the Union has made certain allegations in its written statement to the effect that the compromise which was filed by the Workers' representative before the arbitrator was not a valid or genuine compromise, it has stated in para 5 of the joint statement (Ext. MW-1) that "the parties arrived at a compromise on 29-11-1965 and it was presented to the Arbitrator for passing an

Award in terms thereof; the Arbitrator passed the Award on the same date and gave direction for enforcement of the award with effect from 1-12-1965."

7. Both the parties have further stated in para 5 of Ex. MW-1 "It was directed by the Arbitrator that 50 per cent of the charges on account of above recoveries will be compensated by the management by way of grant of increments in the Basic pay in existing scale".

8. It has further been stated in the same exhibit that the Union challenged the validity of the Arbitration Award on the ground that only one workers' representative out of five had signed the compromise. I do not think that this challenge to the validity of the award was of any consequence in view of the admitted position that the compromise had been arrived at by the parties. It also appears from annexure "B" of the management's written statement that a Barrister appeared for the workmen along with Shri S. K. Tah, a workers' representative.

9. The Arbitrator, Shri L. P. Dave, was satisfied that the compromise was fair and reasonable. Having regard to all the terms, he accepted the compromise and gave an award accordingly. This award was duly published in the gazette by the Govt. of India under section 17 of the Industrial Disputes Act. It thus became legally binding upon the parties and enforceable on the expiry of 30 days from the date of publication under Section 17A. Thus, there can be no doubt that the Arbitration Award was binding upon the parties. In this connection, I may mention that no oral evidence has been given on behalf of the Union at all. Shri J. P. Sharma, Personnel Officer, Kiriburu Iron Ore Mines of the National Minerals Development Corporation Ltd. has examined himself as the only witness on behalf of the management. Referring to Ext. MW-1, he has stated that this is the joint statement of facts made by the management and the union. Shri R. K. Nair who has appeared on behalf of the union has not even suggested at any stage that any statement made in this exhibit is wholly or partly untrue.

10. The admitted position under Ext. MW-1 is that the Union gave notice under Section 19(2) of the Industrial Disputes Act on 9th January, 1967 for termination of the Arbitration Award. The management's allegation, therefore, that the termination was invalid cannot be accepted. Indeed, both parties made a joint request under Section 10(2) of the Act to the Govt. for making the present reference.

11. The management has raised a preliminary objection to the effect that this reference is invalid on the ground that proper notice under section 19(2) of the Act was not given. This objection must be over-ruled on the ground that it was stated by both parties in the Joint statement (Ext. MW-1) that the Union gave notice under Section 19(2) of the I.D. Act) "and terminated the Arbitration Award".

12. The preliminary objection has also to be rejected on the ground that the fact that the management joined in making the request to the Govt. for making this reference amounts to waiver of notice under Section 19(2) of the Act. Reliance may be placed in support of the proposition that notice under Section 19(2) can be waived upon a decision of the Calcutta High Court in *Workmen of Continental Commercial Company (Private) Ltd. Vrs. Govt. of West Bengal and others*, 1962 (1) LLJ. 85.

13. In view of the aforesaid discussions, I can safely start on the basis that Shri L. P. Dave gave a binding award, laying down the following terms:

- (a) House rent shall be charged at the rates of
 - (i) 7 per cent of pay for workers drawing upto Rs. 150 p.m. (Pay).
 - (ii) 10 per cent of pay for workers drawing above Rs. 150 p.m.
- (b) Electric charges will be made at the rate of 12 paise per unit.
- (c) Conservancy will be charged at the rate of Re. 1 p.m.
- (d) Furniture hire charges will be made at the rate of 1 per cent of the capital cost of the articles supplied on the basis of the scales laid down in Kiriburu Project Office Order No. KP-13(1)/59 Adm. II dated the 15th April, 1961. For additional items, the rent will be charged at the rate of 2 per cent of the capital cost per month.
- (e) Transport will be charged @ Rs. 5 upto Rs. 150 (Pay) and Rs. 7 above Rs. 150 (Pay) per month.

14. He has added at the end that, in order to minimise the hardship upon the workmen, the management has agreed "as a special case and irrespective of the merits of the workmen's contention to give relief to such by grant of advance increments to the extent of 50 per cent of the recovery of house rent, electricity, transport, conservancy and furniture charges as stated herein below". This term has then been elaborated later.

15. No dispute has been raised in this case about furniture hire. The dispute raised by the union can only be construed as a demand of the workmen for being absolved from paying house rent, electric charge, transport charge and conservancy charge which they are already liable to pay under the Award.

16. The balance sheet of the company for the years ending 1965, 1966, 1967 and 1968 (Exts. M, M-1, M-2 and M-3) show that the company has suffered losses to a higher or lower extent in each of the years. This shows that the Company is not in a position to bear a higher financial burden than it bears already.

17. It has been stated by Shri Sharma that the minimum wage which is paid to a worker in Kiriburi Iron Ores Mines is Rs. 143.75 paise. This has not been controverted. The Union has filed a copy of the report of the Wage Board. This shows that the minimum wage payable to a workman in Iron Ore Mines is Rs. 130 per month. The maximum total demand under the four heads in question for a minimum wage earner will be a little over Rs. 13.50 paise. Thus a workman in Kiriburi will not be very much worse off even after paying the demands for Housing, Electricity, Conservancy and Transport as compared with a worker who receives pay in accordance with the recommendations of the Wage Board.

18. Ext. M-6 is a statement which shows that the total cost of maintenance of houses, cost of electricity, cost of supply of Sweepers and cost of maintenance of Sewerage system comes to Rs. 2,55,000 and that the total amount which can be expected to be recovered from House rent Electricity charges, Transport charges, Conservancy charges and the furniture hire is Rs. 2,13,000. Thus the company stands to lose even after it recovers the amount which it has paid for different items.

19. The demand for free housing is obviously untenable. The Supreme Court has held in *Patna Electric Supply Company Ltd., Vrs. Patna Electric Supply Workers' Union*, 1959 (II) LLJ 366 that a scheme of wages properly fixed necessarily takes into account House Rent among other relevant facts. Their Lordships have further stated that Industrial Tribunals have constantly taken the view that Housing is the primary responsibility of the State and there has been no difference of opinion on the point that, in the present economic conditions of our industries it would be inexpedient to impose on the employers the obligation to provide Housing allowance for their employees.

20. The Company concerned in this case does not generate electricity. It already charges its workmen for electricity at subsidised rates. There seems to be no justification for the Company to be asked to give electricity free to them.

21. A good deal of expenditure is incurred in maintaining buses for transporting workers from their quarters to their work sites. While the company does provide the facility of such transport to its workmen, I do not think that any case has been made out for providing such transport free of cost.

22. Conservancy charges are very small. There seems no reason for making this service free.

23. After taking all the circumstances into consideration from all points of view, I am of opinion that workmen in Kiriburi Iron Ore Mines are not entitled to the facilities in question free of charge. The second question does not, therefore, arise for consideration.

24. This is my award. Let it be submitted to the Central Government under Section 15 of the Industrial Disputes Act.

Sd./- KAMLA SAHAI,

Presiding Officer.

[No. 24/2/68-LRI.]

ORDER

New Delhi, the 8th April 1969

S.O. 1489.—Whereas the industrial disputes specified in the Schedule hereto annexed (hereinafter referred to as the said disputes) are pending before Sri Tajammul Hussain, Presiding Officer, Industrial Tribunal; with headquarters at Madras;

And, whereas Sri Tajammul Hussain has since retired and his services have ceased to be available;

Now, therefore, in exercise of the powers conferred by section 7A, and sub-section (1) of section 33B, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal, with Thiru B. S. Somasundaram, as the Presiding Officer, with headquarters at Madras, withdraws the proceedings in relation to the said dispute from Sri Tajammul Hussain and transfers the same to Thiru B. S. Somasundaram, Presiding Officer, Industrial Tribunal, Madras for the disposal of the said proceedings with the direction that the said Tribunal shall proceed with the said proceedings from the beginning and dispose of the same according to law.

SCHEDULE

Parties to the dispute	Reference No. & date of Industrial Dispute	S.O. No. of Gazette/Year of Publication
1. Messers India Cements Ltd., Sankari West Post Office (Salem District) and their workmen.	36(48)/68-LRI dt. 20-2-1969	811 dt. 1-3-1969
2. Messers Star Construction and Transport Company, Sankari West Post Office (Salem District) and their workmen.	36/49/68-LRI. dt. 20-2-1969	809 dt. 1-3-1969
3. Messers Star Construction and Transport Company, Sankari West Post Office (Salem District) and their workmen.	36/18/68-LRI, dt. 20-2-1969	810 dt. 1-3-1969
4. Messers Associated Cement Company Ltd., Madukkarai and their workmen.	36(53)/68-LRI, dt. 17-2-1969	679 dt. 22-2-1969
5. Messers Dalmia Magnesite Corporation, Salem and their workmen.	35(24)/68-LRI dt. 11-2-1969	672 dt. 22-2-1969
6. Management of Trichy District Quarry Workers, Co-operative Labour Contract Society Trichy-2 and their workmen.	36(3)/69-LRI dt. 6-3-1969	1028 dt. 6-3-1969
7. Messers Star Construction and Transport, Company Sankari West P.O. (Salem District) and their Workmen.	36(61)/68-LRI dt. 11-2-1969	673 dt. 22-2-1969

[No. 35(24)/68-LRI.]

CORRIGENDUM

New Delhi, the 7th April 1969

S.O. 1490.—In the Schedule to the Order of the Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) S.O. 1018, dated the 3rd March, 1969, published in Part II Section 3, Sub-section (ii) of the Gazette of India dated the 15th March, 1969 for "1st July, 1966 to the 30th July 1967", read "1st July 1966 to the 30th June 1967".

[No. 23/134/68-LR.III.]

S. S. SAHASRANAMAN, Under Secy.

(Department of Labour and Employment)

New Delhi, the 24th March 1969

S.O. 1491.—In pursuance of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Shri T. K. Dongle to be Inspector for the whole of the State of Madhya Pradesh for the purposes of the said Act and of any Scheme framed thereunder, in relation to any establishment belonging to, or under the control of, the Central Government, and in relation to any establishment connected with a railway company, a mine or an oil field or a controlled industry.

[No. 21(2)/68-PF-I.]

DALJIT SINGH, Under Secy.

श्रम, नियोजन और पुनर्वास मंत्रालय

(श्रम और नियोजन विभाग)

नई दिल्ली, 9 अप्रैल 1969

क्र० अ० 1492—कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के और तदधीन विरचित किसी स्कीम के प्रयोजनों के लिए केन्द्रीय सरकार के या उसके नियंत्रणाधीन के किसी स्थान के सम्बन्ध में और किसी रेल कम्पनी, खान या तेल क्षेत्र या नियंत्रित उद्योग से संबद्ध किसी स्थापन के सम्बन्ध में श्री टी० के० डोंगल को समस्त मध्य प्रदेश राज्य के लिए एतद्वारा निरीक्षक नियुक्त करती है।

[सं० 21 (2)/68—म० नि०—1.]

दलजीत सिंह, अव्वर सचिव।

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

New Delhi, the 24th March 1969

S.O. 1493.—Whereas the Central Government is of the opinion that it is necessary to acquire the evacuee properties specified in the Schedule hereto annexed in the State of Uttar Pradesh for a public purpose being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons.

Now, therefore, in exercise of the powers conferred by Section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, it is notified that the Central Government has decided to acquire and hereby acquires the evacuee properties specified in the Schedule hereto annexed.

SCHEDULE

All Properties in the State of Uttar Pradesh which have been allotted to the share of the Custodian in Partition or have been vested in the Custodian under Section 11 of the Evacuee Interest (Separation) Act, 1951 as a result of Adjudication by the Competent Officer, under the provisions of the said Act upto 31st December, 1968 and in respect of which no appeals have been filed and if filed, have been rejected by the Appellate Officer.

[No. 2(21)/Comp. & Prop./61.]

New Delhi, the 9th April 1969

S.O. 1494.—In exercise of the powers conferred by Sub-Section (1) of Section 4 of the Evacuee Interest (Separation) Act, 1951, the Central Government hereby appoints for the Union Territory of Delhi, Shri Bhagwandas Sugnasingh, Law Officer as Competent Officer for the purpose of discharging the duties assigned to the Competent Officer by or under the said Act, within the said Territory, with immediate effect.

[No. 6(7)AGZ/68.]

A. G. VASWANI,
Settlement Commissioner (A) & *Ex-Officio* Under Secy.